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BOARD MEETING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING  
1001 I STREET  
2ND FLOOR  
CENTRAL VALLEY AUDITORIUM  
SACRAMENTO, CALIFORNIA

TUESDAY, JUNE 14, 2005  
9:30 A.M.

TIFFANY C. KRAFT, CSR, RPR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Rosario Marin, Chair

Ms. Rosalie Mul

Ms. Cheryl Peace

Mr. Carl Washington

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Marie Carter, Chief Counsel

Ms. Jeannine Bakulich, Executive Assistant

Mr. Fernando Berton, Supervisor, Organics Materials  
Management

Ms. Bonnie Bruce, Board Advisor

Ms. Bonnie Cornwall, Supervisor, Grants & Certification  
Section I

Ms. Tara Gauthier, Staff

Mr. Jim Lee, Deputy Director, Special Waste Division

Mr. Howard Levenson, Deputy Director, Permitting and  
Enforcement Division

Mr. Steve Levine, Staff Counsel

Ms. Kristen McDonald, Staff

Mr. Wes Mindermann, Supervisor, Solid Waste Cleanup  
Programs Section

Mr. Phil Morales, Branch Manager, State and Local  
Assistance Branch

Mr. Kyle Pogue, Staff

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APPEARANCES CONTINUED

Ms. Dana Stokes, Staff

Ms. Joanne Vorhies, Assistant Director, Office of  
Education and the Environment

Mr. Scott Walker, Branch Manager, Remediation, Closure, &  
Technical Services Branch

Ms. Sarah Weimer, Staff

Ms. Patty Wohl, Deputy Director, Waste Prevention and  
Market Development Division

ALSO PRESENT

Mr. Gary Bird, Special Projects Manager, City of Eureka

Mr. John Cupps, San Luis Obispo Integrated Waste  
Management Authority

Mr. Joel Hamby, Executive Public Works Director,  
Westmorland

Mr. Chuck Helget, Allied Waste

Mr. Steve Hogan, City Manager, City of Holtville

Mr. Michael Huls, City of Monterey Park

Mr. Colin Lennard, Special Counsel, City of West Covina

Mr. Keith Martin, Regional Waste Management Authority for  
Yuba and Sutter Counties

Mr. Andrew Pasmant, City Manager, City of West Covina

Ms. Shelly Sanderson, Mayor, City of West Covina

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1 PROCEEDINGS

2 CHAIRPERSON MARIN: Good morning, and welcome to  
3 the June meeting of the California Integrated Waste  
4 Management Board. It's wonderful to see all of you here.  
5 It's probably much better here than outside, 90 degrees.  
6 So thank you.

7 Jeannine, could you please call the roll?

8 And welcome, Jeannine. I am sure you've done  
9 this many, many other times. But this is your welcoming  
10 back to the Board, and we're so happy and so lucky to have  
11 you again.

12 EXECUTIVE ASSISTANT BAKULICH: Thank you. I'm  
13 happy to be here.

14 Mulé?

15 BOARD MEMBER MULÉ: Here.

16 EXECUTIVE ASSISTANT BAKULICH: Peace?

17 BOARD MEMBER PEACE: Here.

18 EXECUTIVE ASSISTANT BAKULICH: Washington?

19 BOARD MEMBER WASHINGTON: Here.

20 EXECUTIVE ASSISTANT BAKULICH: Marin?

21 CHAIRPERSON MARIN: I'm here.

22 We have a quorum. I think everybody here already  
23 knows this, but please turn off your cell phones or put  
24 them on meeting mode.

25 There are speaker slips if you want to address

1 the Board. Please give them to Jeannine, and she will  
2 give them to us.

3 And I want to start. Why don't we start with the  
4 Pledge of Allegiance. Ms. Mulé.

5 (Thereupon the Pledge of Allegiance was  
6 recited in unison.)

7 CHAIRPERSON MARIN: Thank you.

8 Let me just ask our question that we always ask  
9 and I always forget. Do we have any ex partes?

10 Ms. Peace.

11 BOARD MEMBER PEACE: Yes. I just spoke to John  
12 Cupps regarding Item 12 and San Luis Obispo.

13 CHAIRPERSON MARIN: Thank you.

14 Ms. Mulé.

15 BOARD MEMBER MULÉ: I just spoke with Michael  
16 Huls just to say hello and regarding Item 12.

17 CHAIRPERSON MARIN: Perfect.

18 Mr. Washington.

19 BOARD MEMBER WASHINGTON: I spoke with Mr. Cupps  
20 regarding Item 12.

21 CHAIRPERSON MARIN: I didn't speak to anybody, so  
22 I'm up to date.

23 Okay. Well, this is one of those times when we  
24 have a special presentation. And I know Ms. Peace wants  
25 to make it. So I will be very, very happy to give you the

1 floor. You have something to share with all of us.

2 BOARD MEMBER PEACE: Yes. I just want to  
3 recognize and say goodbye to my Executive Assistant and  
4 friend, Selma Lindrud. Yes, on June 30th, after eleven  
5 years here at the Board, Selma is retiring. So just look  
6 at her smiling out there.

7 I was lucky enough to hire Selma on my first day  
8 here at the Board, and she has kept my office running  
9 smoothly for the last two-and-a-half years. And keeping  
10 track of me and putting up with Rick and Bendan is no easy  
11 task. But she has handled all of us beautifully. There  
12 have been times when she deserved not hazardous pay but  
13 harassment pay.

14 So Selma is an icon of sorts here at the Board.  
15 If you're not quite sure how to do something, ask Selma,  
16 and she'll know how to do it. If there's anything fun  
17 going on, chances are, Selma had her hand in it. From  
18 planning the Halloween party and Christmas party and  
19 summer picnic, she was there. From planning special  
20 events, such as Bring a Child to Work Day, Selma was  
21 there.

22 So, Selma, it's not going to be the same without  
23 you. We are all really, really going to miss you. And  
24 I'm especially going to miss you. Are you sure you can't  
25 stay another year and a half?

1           So if you want to come up here, we have something  
2 for you.

3           BOARD MEMBER WASHINGTON: Madam Chair, while  
4 she's coming, let me add, I, too, am sad to see that Selma  
5 is leaving. When I came to this Board, she played a dual  
6 role in helping me out getting started and trying to find  
7 my way around the Waste Board. And she certainly has been  
8 a bright star for me. Every time I come to the office,  
9 the first thing I holler down the hall, "Where is Selma?"  
10 And so I'm certainly going to miss her.

11           And Godspeed, Selma, to you and your retirement.  
12 I know you're going to do well. If there's any  
13 opportunity to come back and help the Board with some of  
14 their activities, I know you won't hesitate to come back  
15 and help out. So good luck to you and your family. And  
16 enjoy your retirement.

17           BOARD MEMBER PEACE: Here's the Resolution. I  
18 won't read the whole thing. But in part it says:

19           "Whereas, Selma exemplified the best  
20 attributes of Executive Assistant and has  
21 graciously served in the capacity to current  
22 Board Member Cheryl Peace, Executive Director  
23 Mark Leary, Chief Deputy Director Karin Fish,  
24 Deputy Director Dan Gorfain.

25           "And, whereas, Selma has demonstrated

1       objectivity, fairness, and a willingness to work  
2       with all individuals, thereby earning her the  
3       respect of the entire organization.

4           "And, whereas, Selma's commitment,  
5       enthusiasm, and leadership with the Fun Functions  
6       Committee demonstrates her desire to bring staff  
7       together and help create a harmonious workplace.

8           "And, whereas, Selma has a surprising sense  
9       of humor and wears some wicked motorcycle mama  
10      gear when you least expect it.

11          "Now, therefore be it resolved, that the  
12      California Integrated Waste Management Board does  
13      hereby commend and heartily thank Selma Lindrud  
14      for her many years of dedicated service and  
15      outstanding professionalism to the Board and the  
16      Member's offices and for her excellence in  
17      carrying out her responsibilities, and wishes her  
18      well in her retirement and all her future  
19      endeavors."

20          (Applause)

21          BOARD MEMBER PEACE:  So Selma is going to travel  
22      and sail and have all sorts of fun.

23          CHAIRPERSON MARIN:  I know Ms. Mulé also wanted  
24      to say goodbye to Selma.

25          Don't you just leave, Selma.

1           BOARD MEMBER MULÉ: Well, I mentioned to Chair  
2 Marin, I said I'm jealous. Travelling, sailing, sounds  
3 pretty good to me.

4           But, Selma, we will all miss you very much.  
5 You've been very helpful to me, personally, in the last  
6 year. And I just want to thank you for all of your hard  
7 work and professionalism. We will miss you. Thank you.

8           CHAIRPERSON MARIN: And same thing, Selma, we  
9 wish you the very, very best. Know that we all envy you.  
10 But you've done a great job. You leave a beautiful  
11 legacy. And we just want to wish you the very, very best.  
12 God bless you.

13          BOARD MEMBER PEACE: I just want to announce that  
14 Selma's official retirement party will be July 20th. And  
15 there will be more details that will be forthcoming.

16          CHAIRPERSON MARIN: Perfect. Okay. Great.  
17 Thank you.

18          Now go back to work, please.

19          (Laughter)

20          CHAIRPERSON MARIN: Okay. Oh, Lord. Okay.  
21 Well, let's see. Let's give an update of where we've been  
22 and what we've done.

23          Ms. Peace.

24          BOARD MEMBER PEACE: Okay. Of course, on May  
25 11th, I attended the LEA Conference and toured the Olinda

1 Alpha Landfill and the CVT Hybrid Transfer Station in  
2 Anaheim. That was very impressive.

3 May 23rd, I attended the Environmental Health  
4 Coalition's Environmental Justice Tour in San Diego. Also  
5 in attendance was Chair Marin and Secretary Lloyd and Jim  
6 Branham and others from CalePA.

7 And that is my report.

8 CHAIRPERSON MARIN: Okay. Ms. Mulé.

9 BOARD MEMBER MULÉ: Thank you.

10 On the 11th through the 13th, I attended the LEA  
11 Conference, toured Bowerman Landfill, Tierra Verde  
12 Composting and C&D facility. And I did stay for the  
13 entire conference. I felt that as the Chair of the P&E  
14 Committee it was important to get to know the folks that  
15 we work with. And at the conference, I did make a  
16 commitment to meet with the LEAs when I'm out on the road  
17 visiting various facilities. So I did that towards the  
18 end of this. A few days ago I met with the Riverside LEA,  
19 and I'll talk a little more about that.

20 On May 14th, I joined Chair Marin in a very  
21 special celebration, and that was to celebrate the  
22 completion of the cleanup at La Montaa. And it was just  
23 very, very emotional just to see that site without the  
24 mountain on it.

25 And I just can't say enough to Howard, Scott, our



1 staff, our contractors for the work they did. It was  
2 truly a partnership effort. And, again, I just want to  
3 publicly recognize Henry Greg from the City. Because  
4 without his commitment to the project, I don't think it  
5 ever would have been completed.

6           On May 18th, I attended SWANA's Western Symposium  
7 and Trade Show. I was one of five panel members that  
8 discussed legislative and regulatory issues regarding the  
9 present and future integrated waste management system. I  
10 was joined by former Senator and Board Member David  
11 Roberti. I believe Chuck White was there from Waste  
12 Management. And John Skinner, the CEO of SWANA, was on  
13 that panel as well. And we had a really good discussion  
14 regarding the future of 939 and other issues regarding  
15 integrated waste management.

16           On May 23rd, I was attending the Single Stream  
17 Workshop here in Sacramento, which the Board helped put  
18 together. It was sponsored primarily by the Conservatory  
19 Group. Susan Consuela did an outstanding job of pulling  
20 together really good panels of speakers discussing single  
21 stream collection and recycling, the impacts on markets,  
22 and the development of recycled content products. We did  
23 have representatives there from the manufacturing  
24 industry, as well processors. And, again, it was just a  
25 really good discussion on where do we need to go to

1 maximize diversion here in California.

2           On May 25th, I joined Chair Marin with Caltrans  
3 having a compost demonstration. That was really sponsored  
4 by the Association of Compost Producers, and our staff put  
5 that together. And, again, just seeing what the potential  
6 is for developing that market of using compost and green  
7 material on the roadways, there's just an incredible  
8 opportunity out there for us to use these materials here  
9 in California. And so, again, this was a very worthwhile  
10 demonstration.

11           I also visited the e-recycling facility in  
12 Paramount where they're the largest recycler of CRTs in  
13 the state. It was, again, a very informative tour.

14           On May 26th, I attended the Southern California  
15 Association of Governments Solid Waste Task Force meeting  
16 where they're developing their integrated waste management  
17 policies. So that was a very informative meeting.

18           On June 8th, we had a paint tour, that's what we  
19 called it, where we visited Habitat for Humanity where  
20 they actually reuse some paint, resale paint. And then we  
21 also visited two paint manufacturers that produce paint  
22 from old paint. So, again, it's very interesting and  
23 informative to find out what they're doing and also the  
24 challenges that they face. Because, once again, we've got  
25 some market issues that we need to address on a statewide

1 basis.

2           On June 9th, I attended the Coachella Valley  
3 Association of Governments Energy and Environment  
4 Committee meeting. Riverside County and Waste Management  
5 are moving forward with an anaerobic digestion facility to  
6 convert food waste and green waste into biogas to produce  
7 energy, as well as produce compost as a byproduct. And,  
8 again, just there to listen to where they're at with their  
9 project.

10           I then visited the Edom Hill Transfer Station,  
11 which is the site of the anaerobic digestion facility.

12           And then on June 10th had a busy day visiting the  
13 Cabazon Resource Recovery Park. This site includes a  
14 biomass facility. It's got a tire processing facility  
15 that produces crumb rubber, a soil remediation facility,  
16 and there are plans to develop a waste ethynyl facility,  
17 as well as a plant that will take biomass and cellulose  
18 waste and produce pellets that can be used as soil  
19 conditioner, ethynyl feedstock, as well as feedstock for  
20 short paper pulp.

21           Then visited Southern California Recycling in  
22 Thousand Palms. And this was very interesting, as I  
23 didn't realize that in the middle of the desert they're  
24 taking concrete, crushing it, and taking that aggregate  
25 and using it in road base. So it's a great example. What

1 we were attempting to do is to identify and showcase those  
2 jurisdictions that are actually using the waste resources  
3 from their community and reusing it to beneficial use.

4 And then also met with the Riverside County LEA  
5 as part of my efforts to get out and meet with the LEAs  
6 and just get to know them and get to find out what their  
7 issues are.

8 And that concludes my report, Madam Chair. Thank  
9 you.

10 CHAIRPERSON MARIN: You were pretty busy.

11 Okay. Mr. Washington, you had something  
12 fascinating, didn't you?

13 BOARD MEMBER WASHINGTON: I did. Thank you,  
14 Madam Chair.

15 Before I go into the SWANA Conference that I  
16 attended, the Waste-To-Energy Conference, let me just go  
17 over.

18 June 6th, I visited the California Crushing,  
19 Inc., and Elder Creek Recovery Transfer Station in  
20 Sacramento. And let me tell you guys, that was a site to  
21 visit. While touring that, there was a helicopter that  
22 was hanging over us. I thought it was the paparazzi. I  
23 had no clue what was going down. So I got with Mr. Edgar  
24 and the folks over there and I said, "Hey, something is  
25 happening here." When you can look in the helicopter and

1 see the people, that's a problem.

2           While we were standing there talking about it,  
3 the guy goes around the helicopter and all of a sudden, he  
4 comes down. I'm going, "Oh, my God. This guy is going to  
5 kill himself." Next door, the guy was pulling -- he was  
6 landing to help with something. They were lifting some  
7 air conditioner to put on top of the building. The guy  
8 tells us -- when they land the helicopter, one jumps out  
9 and runs like something is wrong. We'll looking like,  
10 what's going on? The guy says, "Oh, we're having fun."  
11 I'm going, okay. This is very interesting here.

12           After all that takes place, my advisor and I get  
13 ready to leave, and a guy in a truck just pulls up and hit  
14 the other guy and hit the guy just standing there. He  
15 pulled up and hit the guy with the truck. I'm going, what  
16 am I doing here? It was crazy.

17           Come to find out, this was a brother of the guy  
18 that worked at the facility. I mean, it was unbelievable.  
19 Out of all the sites I've had to visit, had the  
20 opportunity to go to, landfills, there was nothing like  
21 going to this place. If you want some excitement, go  
22 visit the California Crushing, Inc. I will certainly  
23 recommend it to everyone. It was a site to visit. I  
24 talked about that thing all the way back here. And when I  
25 got here, I found anybody I could talk to, I told them,

1 "Hey, you got to go visit this site. You get helicopter  
2 rides." It's very interesting, to say the least.

3 But never the less, I found it to be an excellent  
4 facility doing an absolutely marvelous job there with that  
5 facility. The location is excellent. And they're really  
6 doing a good job over there. And I want to say to that  
7 facility as well as their consultant, Mr. Edgar, they are  
8 really doing a good job there. And I was happy to have  
9 the pleasure to go visit and do a tour of the facility.

10 June 10th, I met with the City of West Covina and  
11 the staff to discuss BKK Landfill. And I'm sure we'll get  
12 into those discussions related to them.

13 And then, finally, Madam Chair, before all these  
14 things, on May 22nd through the 25th, I went to the SWANA  
15 Waste-To-Energy Conference. Let me tell you guys, this  
16 was unlike any other conference I've been to, because of  
17 the in-depth information that was provided to us. And I  
18 have a number of things that I've written down. But to  
19 keep it more succinct, I've asked Mr. Fernando Berton if  
20 he would come and help me out, because staff can keep it  
21 succinct as to the in-depth of the discussion.

22 But one thing, Madam Chair and Board, I want to  
23 mention to you, I met a gentleman who's name is  
24 Mr. Phillip Patman. He's the President of Waste Resource  
25 Seattle, Inc. And they have facilities in Germany. And

1 they've offered for the Board -- as well as I spoke with  
2 Senator Lowenthal's Office, Assemblyman Hancock's Office,  
3 both who are Chairs of the Committees over in the  
4 Legislature, as well as Mr. Berton and Howard Levenson.  
5 And they want these folks to come to Germany to visit the  
6 facility they have in terms of conversion technology.

7           And I would suggest we really have a discussion  
8 as to going and seeing that facility. I think it would be  
9 worth our while with the direction we're going with  
10 conversion technology in the state of California. I think  
11 all of us would certainly benefit from the type of  
12 facility. They have them all over Europe. And I was just  
13 totally impressed, Madam Chair, Members, with the in-depth  
14 of discussions that was taking place at this particular  
15 conference.

16           And then, finally, let me say that New York came  
17 up and did a presentation. New York numbers are  
18 extraordinary. They are recycling 17 percent. There's 12  
19 percent compost. And then there's 71 percent of their  
20 stuff is going to the landfills. The city of New York has  
21 8 million people. Seventy-one percent of their stuff is  
22 going to landfills. I just about fell out when I heard  
23 that. That was absolutely incredible to me, with a city  
24 as large as Los Angeles and the type of work they're doing  
25 is just incredible. And there's a number of other things.

1           But I wanted Fernando to talk a little bit about  
2 the staff perspective on some of these things, which I  
3 think you're going to find just as incredible.

4           ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:  
5 Thank you.

6           And first of all, I'd like to actually thank  
7 everyone for the opportunity to go to this conference.  
8 It's not often that we're able to participate, and we try  
9 to take advantage of all these opportunities.

10          And as Board Member Washington was saying, there  
11 was an incredible amount of information. Fortunately, my  
12 head was like a sponge, and it's still kind of wringing it  
13 out.

14          But a couple of presentations that were really  
15 quite notable for me. To kind of contrast with New York  
16 City, the city of Edmonton in Canada, they have a 60  
17 percent recycling rate, diversion rate. And they're still  
18 looking for ways to get that other 40 percent out of the  
19 waste stream.

20          What's interesting about the city of Edmonton is  
21 that they own and operate what they consider North  
22 America's largest composting facility for unsorted MSW,  
23 something to the tune of 190,000 tons per year, plus they  
24 have a 40,000-ton-per-year MRF. And from all that, the  
25 residue from the compost facility and the MRF is about 75



1 tons per year that still has a lot of high heat value.  
2 And it's taking up their scarce landfill space. So  
3 they're looking to try to eliminate all that material  
4 going to the landfill.

5           So they teamed up with an organization called  
6 EPCOR. It's an acronym. I'm not sure what it means.  
7 It's basically their City-owned utility. They're  
8 exploring innovative technologies. And they've come to  
9 the conclusion, for them, gasification is the route they  
10 want to go. So they're going to go down that route.

11           So by contrast with New York City, here you have  
12 a city in Canada which is fairly progressive -- Canada is  
13 fairly progressive in their environmental ethic -- that  
14 still wants to go that extra mile and are looking at  
15 conversion technology.

16           Some other interesting things, there was a  
17 presentation comparing and contrasting the U.S. and Europe  
18 in terms of waste-to-energy. There are about 600  
19 waste-to-energy facilities worldwide, 89 of which are in  
20 the U.S. Four hundred of these are in Europe. Now, the  
21 average size in Europe for the waste-to-energy facility is  
22 500 tons per day.

23           But the big policy drivers in Europe I think are  
24 a little bit different than they are here in California or  
25 even in the U.S. In Europe, one of the big policy drivers

1 is greenhouse gas emission reduction and also landfill  
2 bans. For example, in Denmark, there was a landfill ban  
3 in 1997, in Switzerland and Austria in 2000. Sweden  
4 banned the disposal of combustible waste in 2002. And in  
5 2005, they're going to have a total ban of MSW. And on  
6 July 1st of this year, Germany will institute a landfill  
7 ban on combustible and biodegradables.

8           So they're needing to look for alternatives. So  
9 they're looking to waste-to-energy. They're looking at  
10 other technologies that we consider conversion  
11 technologies, like gasification or pyrolysis. So it's  
12 kind of interesting to see those perspectives.

13           Interestingly enough, too, there was a report --  
14 there was a discussion about a new report that was done in  
15 Sweden that discusses dioxin issues. And in that report,  
16 dioxins from waste-to-energy were not considered a  
17 problem. The conclusions of that report felt that dioxins  
18 from traffic emissions were a much bigger issue than  
19 dioxins and other kinds of persistent organic pollutants  
20 from waste-to-energy, presumably from the sophisticated  
21 air pollution control equipment and pre-processing  
22 requirements. So that was just really kind of  
23 interesting.

24           There's so many other kinds of -- so many other  
25 presentations that were there. There was discussions of

1 life cycle analysis comparing landfilling to  
2 waste-to-energy. And by and large, waste-to-energy came  
3 out better in terms of the life cycle perspective in the  
4 landfills. A lot of it dealt with greenhouse gas emission  
5 reductions and how waste-to-energy facilities can help in  
6 achieving the greenhouse gas reduction goals.

7 I think one of the pervasive issues in the  
8 conference was the fact that waste-to-energy operators  
9 really felt that the energy they produced should be  
10 considered renewable energy. And they point to landfill  
11 gas to energy as being renewable. And, you know, if  
12 that's renewable energy, why can't they be considered  
13 renewable energy. That's one of the things they're going  
14 to be working on at a federal and potentially at state  
15 levels in this year and the coming years. So that might  
16 be one thing that we need to kind of keep our eyes and  
17 ears open on that as it moves westward.

18 So, again, I want to thank the Board and everyone  
19 involved in the signature process for the opportunity. It  
20 was a wonderful opportunity. And, you know, I learned a  
21 lot. So it's always a learning process. So thank you  
22 very much.

23 CHAIRPERSON MARIN: Thank you so very much for  
24 having gone. I know you also took an assistant with you.

25 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:

1 Yes.

2 CHAIRPERSON MARIN: I don't know whether you were  
3 his assistant or he was your assistant.

4 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:  
5 We assisted each other.

6 CHAIRPERSON MARIN: Kyle Pogue also went along.  
7 And I think that once you collect all the information that  
8 everybody got, because people attended different workshops  
9 and so forth, I think it was a very, very fascinating  
10 conference, which, actually, since I heard from all of  
11 you, I believe that it might be time for us as a Board to  
12 have some kind of maybe a one-day conference to bring all  
13 of these experts to California to find out if, in fact,  
14 we're going to be at least considering possibilities. I  
15 think it might be -- when was the last time we had a  
16 conference related to conversion technologies in  
17 California?

18 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:  
19 The last major forum we had was actually May of 2001.

20 CHAIRPERSON MARIN: So it might be -- and,  
21 certainly, we're not going to make a decision here today.  
22 But it might be something that we think about, Mr. Leary,  
23 to bring back to the Board for consideration of having at  
24 least a one-day forum where we are updated as to what is  
25 really going on. And that may be something that you can

1 task staff with bringing for Board approval, and maybe  
2 collapsing some of the other conferences so that we kill  
3 two birds with one stone.

4 But, in addition, you had mentioned that people  
5 would be very willing to provide us with a tour for the  
6 Board and/or Legislators. As a matter of fact, we did, in  
7 fact, talk to an assemblywoman, and we suggested that  
8 maybe it's time California goes beyond its region, you  
9 know, its borders to really find out, what's the state of  
10 the state in as far as conversion technologies is  
11 concerned? What's the state of the world? And while one  
12 particular company would be very happy to have any and all  
13 of us, a tour might be more productive if we visited  
14 different companies with different technologies.

15 And that may be something, Mr. Leary, we can also  
16 bring back for Board approval, discussion. I don't want  
17 to discuss it now. But this certainly gives us the  
18 opportunity to bring back an opportunity to really have a  
19 decision on that.

20 BOARD MEMBER WASHINGTON: And you know, Madam  
21 Chair, I'm so delighted you said that. Because one of the  
22 things I was going to say in my closing is that the  
23 caliber of presenters was absolutely phenomenal. We had a  
24 gentleman who I think his name is Mr. Clayborn, and he was  
25 appointed by Bill Clinton to the SBC Board -- Service

1 Transportation Board. And those folks are so interested  
2 in coming to California, to bring Susan Keene, who is the  
3 Director of Governmental Affairs who works with Congress  
4 and the United States Senators on a daily basis regarding  
5 waste and the entire country. She was a presenter. I  
6 mean, excellent. "Oh, I would love to come to California.  
7 I would love to meet with you guys." I mean, the caliber  
8 of presenters is so great. And I'm so delighted to hear  
9 you say that, because I really believe that's the  
10 direction we should be going in.

11 CHAIRPERSON MARIN: If nothing else, to find out  
12 where everything is. And I think that having just  
13 finished the paper on conversion technologies, it may be  
14 fitting that we seek further information.

15 So with that, thank you, Mr. Berton.

16 Anything else, Mr. Washington?

17 BOARD MEMBER WASHINGTON: No. That's it, Madam  
18 Chair.

19 CHAIRPERSON MARIN: I won't take any more time.  
20 You've heard some of the things. I've attended things  
21 with Ms. Peace. I've attended things with Ms. Mulé. We  
22 work very, very hard to be out there to be a strong  
23 presence throughout the state.

24 I will just share with you that I've visited a  
25 number of facilities in Ventura County. Ventura County is

1 very willing to host us for a Board meeting.

2 In addition to the things I've done with the  
3 Board members, I also attended the World Environment Day  
4 Conference in San Francisco where a number of mayors  
5 attended. And we had a wonderful presentation.

6 Staff, you guys are awesome, all of you. You  
7 guys make me look so good. You have no idea.

8 We had a couple of presentations. The Mayor of  
9 San Francisco brought in quite a lot of mayors from  
10 throughout the world. And the Governor made a very  
11 important announcement at that conference as well. So we  
12 were present. I don't know how many of us were there.  
13 About ten people from the Board. But we did a great job.

14 And Pat is not here, but him and his staff did a  
15 fabulous job putting a lot of very interesting sessions  
16 from the Board.

17 And aside from the tour that we had, the paint  
18 tour, we painted the town, Ms. Mulé and myself.

19 Just Sunday, I was in Washington. And I took a  
20 trip to Winchester, Virginia where the Trex Company is at.  
21 And this company recycles plastic. They wash the film. I  
22 mean, tons and tons and tons of plastic. And, you know,  
23 for a waste stream, it's only 4 percent of the weight, but  
24 10 percent of the volume.

25 This company will have the capability -- if they

1 were to choose to have a facility here in California,  
2 literally, they would have the capacity to take all of the  
3 plastic and convert it into their -- they look like  
4 wood -- what do you call those? Plastic lumber. Thank  
5 you. That's exactly what they're called. And I was able  
6 to see both processes; the one where they bring in all  
7 these tons of plastic, different kinds of plastic, and  
8 then when they actually make it, this plastic lumber. And  
9 I was in awe. It took me two hours to get there and two  
10 hours to come back, for a two-hour tour. But I was  
11 fascinated.

12           And I'm thinking what a great opportunity if this  
13 Board choose to do everything possible, everything we  
14 could, to bring that kind of a company here in California.  
15 Literally, I mean, literally, they could take all of our  
16 plastic and convert it into plastic lumber. It would be,  
17 I believe -- I don't know if you guys met with people from  
18 Trex Company. But for me to actually be able to see it,  
19 it was like, wow. When can you come? And, you know,  
20 aside from the fact that about 35 to 50 jobs would be  
21 created, on the first year they could take up to 100  
22 million pounds of plastic. And in a couple of years, it  
23 could be up to 300 million pounds. So this is something  
24 really amazing.

25           I wish, Patty, that we could help the company. I



1 think it would be amazing for California.

2 Okay. Enough said. What we're going to next do  
3 is a report from the Executive Director, Mr. Leary.

4 EXECUTIVE DIRECTOR LEARY: Thank you, Madam  
5 Chair.

6 Just to echo all your fine words about Selma. I  
7 know she's not here, but --

8 CHAIRPERSON MARIN: She's listening.

9 EXECUTIVE DIRECTOR LEARY: Maybe she's listening.  
10 But I think she's the human epitome of the can-do spirit.  
11 There's never been a time over the many, many years she's  
12 worked here I've asked her to help me out with something  
13 and she didn't say, "I can do it. I can help you," no  
14 matter what it was. And she'll be missed by all of us.

15 I've got a couple of things to report, and then I  
16 want to do a little bit of a more -- I'll get to it.

17 First of all, Patty Wohl and her staff and I met  
18 with the California Conservation Corps Director Will Sims  
19 about two weeks ago. And Will is very interested in  
20 partnering with the Board on a number of efforts. He  
21 wanted to, of course, express his thanks for the recently  
22 approved Board funding and indicated his interest in  
23 steering his organization in a similar direction as the  
24 Board, emphasizing the word "conservation" in the  
25 California Conservation Corps.

1           Our partnership will include a number of things,  
2 including helping him green his three new Corps centers  
3 and providing training to his staff and Corps members on  
4 green building. In turn, Will has committed to  
5 implementing policies incorporating green procurement and  
6 green practices into his department's every day work  
7 processes, much like CalEPA is doing with our  
8 environmental management system for this building.

9           Will is a true believer, and I think this is a  
10 great opportunity for us to partner with him. And to the  
11 extent the California Conservation Corps interacts with a  
12 lot of local and state jurisdictions, they're a great  
13 avenue for us to spread the good word of greening  
14 government. Will personally drives a biodiesel vehicle.  
15 And that, to me, is a strong indicator he is a true  
16 believer. And shortly after Will met with us, he was  
17 confirmed with Senate Rules, which just goes to show that  
18 linking with the IWME guarantees success in life.

19           In regards to marketing contracts, in April the  
20 Board approved the Scope of Work for a contractor to  
21 conduct a statewide marketing campaign to educate local  
22 decision makers about the advantages to using recycling  
23 content material, principally, rubberized asphalt,  
24 concrete, and tire-derived lightweight fill, compost,  
25 mulch, and recycled aggregate. You will recall that your

1 action in April included a delegation of authority to the  
2 Executive Director to complete the contractor selection  
3 process.

4 Just yesterday, staff, representing our Tire  
5 Recycling, Organics, and Public Affairs Programs,  
6 completed their technical review and oral interview  
7 process to evaluate the proposers. The highest rated  
8 proposer was Ogilvy Public Relations Worldwide. A Notice  
9 of Intent to Award the contract to Ogilvy Public Relations  
10 was posted late yesterday. And barring any complications  
11 in the process, the contract will be officially awarded  
12 next Monday, June 20th. I know the members of the Board  
13 and staff are all looking forward to getting this effort  
14 underway.

15 In talking about walking the talk, frequently,  
16 our Board members applaud our staff for their commitment,  
17 dedication, and enthusiastic pursuit of our common goals.  
18 What you don't often hear about are the ways our staff are  
19 involved in the community. I would like to take a moment  
20 to share a story about that commitment.

21 The weekend before last, June 4th and 5th, River  
22 Walk Park across the river in West Sacramento was rocking  
23 as the site of the Sacramento Heritage Festival. To quote  
24 the Sacramento Bee's Ticket Section, "The soundtrack  
25 included 48 bands that spanned the sonic spectrum, blues,

1 gospel, rock, folk, hip-hop, and just about everything  
2 that falls in between. Some of the weekend's 6,000  
3 festival goers, after hours of blaring guitar amplifiers  
4 and pesky cottonwood blossoms, left with ringing ears and  
5 allergies tickling their noses."

6           Amongst those 6,000 was a gentleman by the name  
7 of Bob Horowitz who works in our Diversion, Planning, and  
8 Local Assistance Division. He personally volunteered to  
9 set up and operate a recycling program at the venue. It's  
10 my understanding this was a first for the Heritage  
11 Festival, and I'm certain Bob's efforts will provide a  
12 model for future efforts, and he'll always be there to  
13 help. He's definitely walking the talk on his own time.  
14 I'd like to point out Bob in the back in a cool Hawaiian  
15 shirt and give him a round of applause.

16           (Applause)

17           EXECUTIVE DIRECTOR LEARY: And then, finally, I  
18 want to thank Board Member Peace for reminding me and all  
19 of us that we've been a little bit lackadaisical about  
20 responding to the suggestion box, the employee-staff  
21 suggestion box. And, of course, I want to apologize to  
22 staff for not holding up my end of the communication.

23           That's not to say we weren't aware and  
24 considering the suggestions staff have made recently and  
25 over time. But we haven't made much of an effort to post

1 responses and complete the communication. As of  
2 yesterday, we've posted responses now to nearly all  
3 suggestions. And I want to thank Rubia Packard, Julie,  
4 and all the Exec staff for helping me get caught up on  
5 those suggestions for improvement.

6 I'd also like to touch on a few of the  
7 suggestions that have been given to give you a sense of  
8 how we've responded to their valuable input. As a result  
9 of staff's suggestions, we are moving forward in a couple  
10 of the following areas, and I'm just highlighting a few.

11 Staff pointed out, and we totally agree, that  
12 reinvigorating the profile database that holds really  
13 great promises, one-stop shopping for all information  
14 about individual jurisdictions but really has kind of  
15 suffered from neglect recently, needs new energy to bring  
16 that effort and bring it back to a full speed. And we  
17 will make that a priority for our staff efforts, because  
18 we know how helpful that is to the external jurisdictions.  
19 And it was staff who pointed that out, that jurisdictions  
20 are clambering for this thing, and we're not doing a good  
21 job of keeping it up.

22 Also, we're re-examining the many aspects of our  
23 grant programs, including criteria and the recycled  
24 content product policies, through our Grant Executive  
25 Oversight Committee, both as a fallout of staff

1 suggestions and, of course, Board direction of late.

2 We want to enhance staff development by  
3 developing cross training and job rotation programs as  
4 well as doing more to help staff to prepare for  
5 promotional exams. That was pointed out by staff, and we  
6 wholeheartedly concur and will make new efforts in that  
7 regard.

8 The Board's efforts also to focus on priorities  
9 through the action plan and process in many ways is a  
10 positive response to staff's suggestions, I believe.  
11 Implementing the action plans in a cross-divisional manner  
12 will provide for the broadening of experience that many  
13 staff desire. And we want to implement those action plans  
14 and create that cross-training opportunity for staff.

15 Those are just a few. Others touch on, you know,  
16 some minor things, but positive things. I agree with  
17 staff. I like Cliff Bars being sold down in the snack  
18 center. And I'm going to make the suggestion next time I  
19 see Jack that he ought to sell Cliff Bars. But I don't  
20 mean to make light of staff's suggestions. They're good.

21 In closing, I'd like to suggest to staff if  
22 they'll give me another chance, that I want to complete my  
23 end of the communication loop and encourage their use of  
24 the suggestion box once again to feed their good ideas and  
25 valuable input to me and Executive staff for our

1 consideration and hopefully implementation of the best  
2 ideas.

3 And with that, Madam Chair, I'll conclude my  
4 report.

5 CHAIRPERSON MARIN: Thank you, Mr. Leary.

6 And you've heard it from the Director. We really  
7 welcome, staff welcomes, any and all suggestions. They  
8 are very, very good. And not all of them are  
9 implementable, but who knows. You know, an idea is more  
10 powerful than a gun.

11 EXECUTIVE DIRECTOR LEARY: Madam Chair, I forgot  
12 one thing. And it's more good news, and I apologize for  
13 being so sickeningly sweet. But I can't help but point  
14 out excellence in our organization. And Tom doesn't know  
15 this is coming, but we received the award for Excellence  
16 in Financial Reporting from the State Controller's Office.  
17 So this is a strong vote of support for our Admin staff  
18 and the hard work they do. Signed by Controller Steve  
19 Westly himself.

20 So, Tom, here you go.

21 CHAIRPERSON MARIN: Excellent. Excellent  
22 reporting. Fiscal reporting. Thank you.

23 Okay. With that, this is the opportunity for the  
24 public to come before the Board. Any and all who wishes  
25 to address the Board on any items not related to the

1 agenda, this is your opportunity to say your peace.

2 Without any public comment, we will go into the  
3 consent agenda. And let me just run through the consent  
4 agenda.

5 Before I do that, just so that you know, we'll  
6 have a closed session during our lunch. I don't know if  
7 arrangements have been made for us to have lunch. We'll  
8 figure it out. So we'll have a closed session during the  
9 lunch time.

10 There will be certain items taken out of order.  
11 Item 4 be pulled off of the fiscal consent in order to be  
12 heard before the full Board.

13 That leads us to the consent agenda. And the  
14 consent agenda before us, Board Members, is Items 10  
15 revised, 13, 14, 15, 16, 17, 18 revised, 22, 23 revised,  
16 24, 25, 28, and 29. That is the consent agenda before us.  
17 Is there --

18 BOARD MEMBER MULÉ: I move approval.

19 CHAIRPERSON MARIN: Does anybody wish to remove  
20 any items from the consent agenda?

21 Okay. Hearing none --

22 BOARD MEMBER MULÉ: Madam Chair, I'd like to move  
23 approval of the consent agenda.

24 CHAIRPERSON MARIN: Moved.

25 BOARD MEMBER WASHINGTON: Second.



1 CHAIRPERSON MARIN: Moved by Ms. Mulé, seconded  
2 by Mr. Washington.

3 Jeannine, would you please call the roll?

4 EXECUTIVE ASSISTANT BAKULICH: Mulé?

5 BOARD MEMBER MULÉ: Aye.

6 EXECUTIVE ASSISTANT BAKULICH: Peace?

7 BOARD MEMBER PEACE: Aye.

8 EXECUTIVE ASSISTANT BAKULICH: Washington?

9 BOARD MEMBER WASHINGTON: Aye.

10 EXECUTIVE ASSISTANT BAKULICH: Marin?

11 CHAIRPERSON MARIN: Aye.

12 Okay. I will also suggest that we have a few  
13 items on fiscal consent. We will hear those briefly when  
14 they come during the Committee items. Those items will be  
15 Item Number 1, 3, 5 revised, 6 revised, 8, 9 revised, 26,  
16 31, and 32. Those are fiscal consent items.

17 Number 27 is deleted.

18 Item Number 7 and 30 were heard in Committee only  
19 and will not be heard at the Board.

20 The Board will actually fully hear Items 2, 11  
21 revised, 12, 15, 19, 20, 21, 33, 34, 35 revised, 36, 37,  
22 and Number 4. I'm sorry. I read twice a number. Fifteen  
23 has already been dealt with in the consent item. So we  
24 will not be dealing with 15 by the full Board. I'm sorry  
25 about that. Okay.

1           So that leads us to the first Committee report,  
2 Ms. Cheryl Peace, Special Waste.

3           BOARD MEMBER PEACE: Okay. Now, we heard seven  
4 items, five of which made it to the fiscal consent  
5 category. But I do want to just touch on a couple of  
6 those.

7           One, the grant awards for the Used Oil Nonprofit  
8 and the Research Testing Demonstration Grants brought on  
9 quite a bit of discussion about how we can fine-tune the  
10 Oil Program overall. And staff has already had some good  
11 ideas and they're already implementing some ideas that are  
12 going to improve the program. And I just want to thank  
13 staff for all that they're doing. They're on top of it.

14           We also discussed how to better define our  
15 scoring criteria to eliminate some of the duplication in  
16 the grant.

17           Item 3, the contractor for the Used Oil Recycling  
18 Public Education Assessment Study brought up some good  
19 points for the Grants Oversight Committee to consider  
20 regarding what budget information we should be requiring  
21 from our grantees that would be most useful to the Board  
22 and our staff so that we can best evaluate for ourselves  
23 our grantees' performances, instead of needing a  
24 contractor to do it for us.

25           Number 6, the RAC engineering and technical

1 assistance contract is going to MACTEC. They will have  
2 the primary role for the outreach and technology transfer  
3 to local governments and Caltrans and the use of  
4 rubberized asphalt concrete. There was a discussion over  
5 the need and concern of coordinating this event. This  
6 effort of MACTEC, we made sure it's coordinated with our  
7 RAC Technology Centers in the north and the south so that,  
8 you know, they are working together.

9           And Number 7, additional 15-day comment period  
10 for the regulations to amend the Waste Tire Hauler  
11 Registration and Manifest regulations for the retreaders  
12 was heard in Committee only. These regulations will  
13 replace the emergency regulations that went into effect  
14 last year, and that notice was approved.

15           Number 2 was put forward to the full Board for  
16 further discussion. Questions were asked about the  
17 emphasis of the study, whether it would be focused on  
18 discovering all consumers' behavior versus influencing the  
19 consumers to follow their auto manufacturers' recommended  
20 oil change intervals. The Committee members were in  
21 agreement that the ultimate goal was to modify the  
22 consumers' behavior. And staff revised the item to  
23 include a new refined Scope of Work and a new option in  
24 the item, which should meet all the Committee members'  
25 interests. So we'll hear that in a minute.

1           That concludes my report.

2           CHAIRPERSON MARIN: Thank you, Ms. Peace.

3           Okay. Well, that leads us to Item Number 1,  
4 Mr. Lee.

5           DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

6 And good morning, Board members. My name is Jim Lee,  
7 Deputy Director of the Special Waste Division.

8           Board Item Number 1, Consideration of the Grant  
9 Awards for a Joint Solicitation of the Used Oil Nonprofit  
10 Grant Program, 6th Cycle, Fiscal Year 2004-05, and the  
11 Used Oil Research Testing and Demonstration Grant Program,  
12 4th Cycle, Fiscal Year 2004-05.

13           This item was heard by the Special Waste  
14 Committee. And after some discussion, as was noted by  
15 Committee Chair Peace in her opening remarks, this item  
16 was recommended for fiscal consent.

17           Yesterday, staff received an e-mail from the  
18 Environment Services Joint Powers Authority, ESJPA. They  
19 applied for a Research and Testing Grant, but staff has  
20 not recommended them for funding. ESJPA contended their  
21 application had not been scored correctly since in their  
22 opinion priority program criteria and general program  
23 criteria points had not, but should have been, awarded.

24           As noted in the memo to Board members and  
25 consistent with clear direction in the application

1 instructions, preference criteria points were not awarded  
2 since the minimum passing score was not achieved in the  
3 general review criteria. Furthermore, even if preference  
4 points had been awarded, the total score would not have  
5 been sufficient to be competitive with the grants that  
6 have been recommended for grant award this morning.

7           We have discussed this situation with ESJPA  
8 staff, and in the e-mail received this morning, they  
9 acknowledged staff's position that scoring had been  
10 conducted appropriately.

11           Staff recommends that the Board approve  
12 Resolution Number 2005-154 in the award of \$1,128,000 to  
13 six identified applicants on List A for the Used Oil  
14 Nonprofit Grant Award and the conditional award of 768,000  
15 to four identified applicants on List B should funds  
16 become available.

17           In addition, staff recommends the Board approve  
18 Resolution 2005-155 and the award of \$1,099,956 to four  
19 identified applicants in List A and the conditional award  
20 of \$199,901 to one identified applicant in List B should  
21 fund become available.

22           That concludes staff's presentation.

23           CHAIRPERSON MARIN: Thank you, Mr. Lee.

24           Is there a motion for that? Two motions. One  
25 motion with two Resolutions. However you want to do it.

1 BOARD MEMBER PEACE: I would like to move  
2 Resolution Number 2005-154 and Resolution 2005-155.

3 BOARD MEMBER MULÉ: Second.

4 CHAIRPERSON MARIN: Moved and seconded.

5 Any further discussion?

6 Without objection, we -- fiscal consent. We need  
7 to call the roll on this.

8 EXECUTIVE ASSISTANT BAKULICH: Mulé?

9 BOARD MEMBER MULÉ: Aye.

10 EXECUTIVE ASSISTANT BAKULICH: Peace?

11 BOARD MEMBER PEACE: Aye.

12 EXECUTIVE ASSISTANT BAKULICH: Washington?

13 BOARD MEMBER WASHINGTON: Aye.

14 EXECUTIVE ASSISTANT BAKULICH: Marin?

15 CHAIRPERSON MARIN: Aye.

16 Thank you so much. Next item.

17 DEPUTY DIRECTOR LEE: Board Item 2 is  
18 Consideration of Scope of Work and Contractor for the Used  
19 Oil Source Reduction Study and Request to Decrease the  
20 Contract by \$35,000, Fiscal Year 2004-05, Used Oil  
21 Contract Concept Number 0-2.

22 This item was one of the contract concepts which  
23 was a part of the used oil allocation item approved by the  
24 Board in December. As noted in the title, staff is  
25 proposing to decrease the funds requested by \$35,000

1 because we now feel necessary work can be accomplished  
2 with the reduced budget. This item was heard by the  
3 Special Waste Committee but recommended to be held over  
4 for discussion by the full Board.

5 And in an attempt to address issues which were  
6 raised in the Committee meeting, staff has proposed in  
7 Attachment 2 of the revised agenda item some minor  
8 revisions to the Scope of Work to clarify staff's intent  
9 and contract objectives.

10 With that introduction, I would like Dana Stokes  
11 to make a brief presentation and discuss what we expect to  
12 accomplish with this proposed contract concept and provide  
13 more detail on the proposed Scope of Work revisions.

14 CHAIRPERSON MARIN: Thank you, Dana.

15 (Thereupon an overhead presentation was  
16 presented as follows.)

17 MS. STOKES: Good morning, Chairwoman Peace and  
18 Board members.

19 --o0o--

20 MS. STOKES: I'm presenting the Scope of Work and  
21 contractor recommendation for the Used Oil Source  
22 Reduction Study.

23 The 2004 Used Oil Program assessment conducted by  
24 Cal Poly recommended the Used Oil staff pursue more  
25 strategies to reduce the volume of used oil and filters

1 generated by the public and business sectors.

2 --o0o--

3 MS. STOKES: In response to this recommendation,  
4 the Board approved the Used Oil Program Implementation  
5 Plan in December 2004 that focuses on seven strategies.  
6 One of those strategies is related to oil source reduction  
7 and pollution prevention. Our focus this year is on the  
8 source reduction. This contract addresses extending oil  
9 change intervals as a source reduction practice.

10 --o0o--

11 MS. STOKES: In response to Chairwoman Peace's  
12 concerns raised during the Special Waste Committee  
13 meeting, we suggest a revision to this contract proposal  
14 which we believe enables us to use available contract  
15 dollars in a more cost effective manner. The contractor  
16 will survey motorists in California to determine their  
17 typical oil change interval, auto type, and source of oil  
18 change interval information and -- and this is a change --  
19 barriers they may have to extending their oil change  
20 interval.

21 The contractor will then compare respondents'  
22 reported oil change intervals to those recommended by  
23 their auto manufacturers and assess whether an awareness  
24 gap exists. If a gap exists, the contractor will prepare  
25 several motivational messages regarding extending oil



1 change intervals. During focus groups, motorists will be  
2 asked to rank those motivational messages. If survey  
3 results demonstrate the need for an extended oil interval  
4 public education campaign, the Used Oil Program will  
5 require grantees to add the highest ranked motivational  
6 message to their future used oil recycling public  
7 education materials.

8 --o0o--

9 MS. STOKES: As I mentioned during the Special  
10 Waste Committee meeting but did not spell out in the  
11 original Board item, the public survey will include  
12 questions designed to determine barriers to extending oil  
13 change intervals. In response to the survey findings, the  
14 contractor will craft several motivational messages  
15 designed to overcome motorists' barriers to extending oil  
16 change intervals. And our recommended contractor has  
17 special skill in that area.

18 The major difference between the revised contract  
19 and the one originally presented to you during the Special  
20 Waste Committee meeting is that the focus groups will be  
21 conducted with motorists rather than with oil change  
22 mechanics. The focus group results will now include the  
23 motorists' ranking of several motivational extended oil  
24 change interval messages.

25 --o0o--

1 MS. STOKES: In order to more effectively utilize  
2 available resources, staff recommends that the contract be  
3 reduced by \$35,000. In order to facilitate this, staff  
4 recommend eliminating certain tasks from the original  
5 Scope of Work, including a literature search and market  
6 testing of extended oil change interval messages, which  
7 will be taken care of by the focus group testing of  
8 messages. This \$35,000 is being transferred to cover the  
9 increased Scope of Work for the used oil recycling and  
10 public education assessment project, which will have a  
11 greater impact on improving the cost effectiveness of the  
12 Used Oil Block Grant Program.

13 --o0o--

14 MS. STOKES: Staff recommends the Board approve  
15 Option Number 2, the Revised Scope of Work as presented in  
16 Attachment 3, and adopt Revised Resolution 2005-156.

17 This concludes my presentation. And I'm  
18 available to answer any questions the Board may have.

19 CHAIRPERSON MARIN: Thank you, Dana.

20 You know, it always impresses me how after much  
21 deliberation and sometimes challenging questions to staff,  
22 you always come back with a bigger, better, faster,  
23 cheaper product. And I think that the question that Ms.  
24 Peace raised, all of this answers that and then some. So  
25 I love the Committee structure, because it really enables

1 us to ask very pointed questions. And then the staff is  
2 able to go back and satisfy those answers or those  
3 questions. And oftentimes the result is something even  
4 better than what we had anticipated. I'm sure -- I hope  
5 Ms. Peace agrees with that.

6 So is there any questions, any further questions?

7 BOARD MEMBER MULÉ: Madam Chair, I do not have a  
8 copy of the Revised Resolution.

9 BOARD MEMBER PEACE: I was just going to say I  
10 don't either.

11 BOARD MEMBER MULÉ: So does anybody have a copy  
12 of the Revised Resolution that we can obtain before we --

13 CHAIRPERSON MARIN: Is the revised Scope of  
14 Work --

15 SUPERVISOR CORNWALL: The Revised Resolution I  
16 was informed we could add once there was a vote. The two  
17 changes will be on the final whereas. It says Scope of  
18 Work. This would say, "Revised Scope of Work, Attachment  
19 3," to make it very clear which of the two Scopes of Work  
20 in the item it would refer to.

21 CHAIRPERSON MARIN: Okay.

22 BOARD MEMBER MULÉ: Marie?

23 CHAIRPERSON MARIN: Marie, is there a better way  
24 than this? We can certainly bring this back in a couple  
25 of hours once we have --

1           SUPERVISOR CORNWALL: Here's a potential draft.

2 It does not say "revised" on top.

3           CHAIRPERSON MARIN: But my question is what the  
4 public would actually see.

5           Can we do this? Well, Marie, what would be the  
6 best way to handle this?

7           CHIEF COUNSEL CARTER: It doesn't appear as  
8 though my microphone is on. Marie Carter, Chief Counsel.

9           It would give the Board a better sense of the  
10 fact that the public had an opportunity to look at it  
11 before the Board takes a vote. I think Program can go  
12 back and just revise it and make it available at the back  
13 of the room.

14          CHAIRPERSON MARIN: Right. And we'll just take  
15 it when you guys are ready to present it. Probably as  
16 soon as -- just do it -- thank you very much. I believe  
17 everybody is in agreement, but so that the public is able  
18 to see what it is we are actually approving.

19          MS. STOKES: And thank you very much for your  
20 input. I think it's a much tighter, better contract as a  
21 result of your feedback.

22          CHAIRPERSON MARIN: I appreciate that very, very  
23 much.

24          Okay. So we will vote on this as soon as we get  
25 copies of that. Thank you so very much.

1           Next item.

2           DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

3           Board Item 3 is Consideration of Scope of Work  
4 and Contractor for the Used Oil Recycling Public Education  
5 Assessment, Fiscal Year 2004-2005, Used Oil Fund Contract  
6 Concept Number 0-2.

7           This contract concept was discussed with the  
8 Board as part of the used oil allocation item approved in  
9 December. The only change that appears in this item from  
10 the December discussion is a proposed inclusion of an  
11 additional \$35,000 to the budget for this contract to  
12 provide sufficient funds for an expanded Scope of Work. I  
13 view this particular contract concept as a foundation  
14 block and staff's continuing efforts at program evaluation  
15 and cost effectiveness.

16           This item was heard by the Special Waste  
17 Committee and recommended for fiscal consent. Staff  
18 recommends the Board approve Resolution 2005-157 and the  
19 Scope of Work and interagency with California State  
20 University Sacramento as the contractor for an amount not  
21 to exceed \$120,000.

22           CHAIRPERSON MARIN: Thank you, Mr. Lee.

23           Are there any further questions or discussion?  
24 Is there a motion?

25           BOARD MEMBER PEACE: Okay. I'd like to move

1 Resolution 2005-157.

2 CHAIRPERSON MARIN: Ms. Peace.

3 Is there a second?

4 BOARD MEMBER WASHINGTON: Second.

5 CHAIRPERSON MARIN: Mr. Washington seconds it.

6 Please call the roll.

7 EXECUTIVE ASSISTANT BAKULICH: Mulé?

8 BOARD MEMBER MULÉ: Aye.

9 EXECUTIVE ASSISTANT BAKULICH: Peace?

10 BOARD MEMBER PEACE: Aye.

11 EXECUTIVE ASSISTANT BAKULICH: Washington?

12 BOARD MEMBER WASHINGTON: Aye.

13 EXECUTIVE ASSISTANT BAKULICH: Marin?

14 CHAIRPERSON MARIN: Aye.

15 Okay. That takes us to the next item, Item

16 Number 4.

17 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

18 It's my understanding we're going to defer the discussion

19 on Item 4 until after Items 12 and 37 can be heard.

20 CHAIRPERSON MARIN: I don't know why I said that.

21 Item Number 5.

22 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

23 Board Item 5 is Consideration of Contractor for

24 the Engineering and Environmental Services Contract, Tire

25 Recycling Management Fund, Proposed Multi-Year Funding.

1 This item was heard by the Special Waste Committee and  
2 recommended for fiscal consent.

3 This item has been revised to reflect the name of  
4 the proposed contractor, Dr. Dana Humphreys, and to  
5 clarify one of the fund sources for this contract. This  
6 item was heard by the Special Waste Committee. And staff  
7 recommends the Board approve Resolution 2005-159 and Dr.  
8 Dana Humphreys as the contractor for the engineering and  
9 environmental services contract in an amount not to exceed  
10 \$1,150,000.

11 CHAIRPERSON MARIN: Okay. Is there any  
12 discussion on this item?

13 BOARD MEMBER MULÉ: Madam Chair, move approval of  
14 Resolution 2005-15, Revision Number 2.

15 CHAIRPERSON MARIN: Okay. Ms. Mulé --

16 BOARD MEMBER PEACE: Second.

17 CHAIRPERSON MARIN: And Ms. Peace seconds that.  
18 Please call the roll.

19 EXECUTIVE ASSISTANT BAKULICH: Mulé?

20 BOARD MEMBER MULÉ: Aye.

21 EXECUTIVE ASSISTANT BAKULICH: Peace?

22 BOARD MEMBER PEACE: Aye.

23 EXECUTIVE ASSISTANT BAKULICH: Washington?

24 BOARD MEMBER WASHINGTON: Aye.

25 EXECUTIVE ASSISTANT BAKULICH: Marin?

1 CHAIRPERSON MARIN: Aye.

2 That takes us to Number 6.

3 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

4 Board Item 6 is Consideration of Contractor for  
5 the Rubberized Asphalt Concrete Engineering and Technical  
6 Assistance Contract, IWM04057, Tire Recycling Management  
7 Fund.

8 This item was revised to reflect the name of the  
9 contractor proposed for the grant award. This item was  
10 heard by the Special Waste Committee and recommended for  
11 fiscal consent. Staff recommends the Board approve  
12 Resolution 2005-160 as revised and MACTEC Engineering and  
13 Consulting, Incorporated, as contractor for the rubberized  
14 asphalt concrete engineering and technical assistance  
15 contract in an amount not to exceed \$950,000.

16 CHAIRPERSON MARIN: Okay. This was recommended  
17 for fiscal consent. Is there any further discussion?

18 Is there a motion?

19 BOARD MEMBER MULÉ: I'd like to move Resolution  
20 2005-160 Revised.

21 BOARD MEMBER PEACE: Second.

22 CHAIRPERSON MARIN: Moved by Mulé and seconded by  
23 Ms. Peace.

24 Call the roll, please.

25 EXECUTIVE ASSISTANT BAKULICH: Mulé?



1 BOARD MEMBER MULÉ: Aye.

2 EXECUTIVE ASSISTANT BAKULICH: Peace?

3 BOARD MEMBER PEACE: Aye.

4 EXECUTIVE ASSISTANT BAKULICH: Washington?

5 BOARD MEMBER WASHINGTON: Aye.

6 EXECUTIVE ASSISTANT BAKULICH: Marin?

7 CHAIRPERSON MARIN: Aye.

8 Okay. That concludes Special Waste. We will  
9 have two items still to deal with, one for vote and then  
10 Item Number 4 at the end, most likely, of the meeting.

11 That leads us to Sustainability and Market  
12 Development. Patty, Ms. Wohl. Oh, no. I have to make a  
13 presentation. I'm the Chair of this Committee. I'm so  
14 sorry about that.

15 Well, we had a really wonderful Committee  
16 meeting. We had a lot of discussion. That's one of the  
17 things I love about the Committee structure, because we're  
18 able to really delve into any and all of the items. And  
19 there's a lot of give and take and so forth. And most of  
20 the time by the end of the meeting, we have reached  
21 consensus. And most of the items -- well, a lot of items  
22 go to the fiscal consent and regular consent agenda, and  
23 that just leaves a few to be dealt with for a number of  
24 different issues.

25 So a couple of -- that's for Pat's part of the

1 program, a number of cities we were dealing with are  
2 second time extensions. And some of them -- well,  
3 actually, most of the cities or their representatives were  
4 here. A few are not. And the ones that couldn't make it  
5 today, they're going to be actually listening, but they're  
6 going to be able to join us via teleconferencing when  
7 those items come in.

8 Let me just clarify. Item 15 was on consent, the  
9 City of San Marino pulled, and has been moved to the July  
10 meeting.

11 So with that, Ms. Wohl, would you lead us through  
12 your items.

13 DEPUTY DIRECTOR WOHL: Yes, I will. Good  
14 morning, Patty Wohl with the Waste Prevention and Market  
15 Development Division.

16 Agenda Items 8 and 9 received fiscal consensus at  
17 the Committee.

18 Agenda Item 8, Consideration of the Recycling  
19 Market Development Revolving Loan Program Application for  
20 Pacific Pallet Company. Pacific Pallet Company is  
21 requesting a loan in the amount of \$712,000 for real  
22 estate equipment and working capital. The company  
23 manufacturers wooden pallets from scrap pallets and  
24 discarded dunnage.

25 Staff recommends the Board approve Option 1 and

1 adopt Resolution 2005-162.

2 CHAIRPERSON MARIN: Okay. That leads us to  
3 Resolution 2005-162. Is there further discussion?

4 No further discussion.

5 Is there a motion?

6 BOARD MEMBER MULÉ: Move approval of Resolution  
7 2005-162.

8 BOARD MEMBER PEACE: Second.

9 CHAIRPERSON MARIN: Moved and seconded.

10 Please call the roll.

11 EXECUTIVE ASSISTANT BAKULICH: Mulé?

12 BOARD MEMBER MULÉ: Aye.

13 EXECUTIVE ASSISTANT BAKULICH: Peace?

14 BOARD MEMBER PEACE: Aye.

15 EXECUTIVE ASSISTANT BAKULICH: Washington?

16 BOARD MEMBER WASHINGTON: Aye.

17 EXECUTIVE ASSISTANT BAKULICH: Marin?

18 CHAIRPERSON MARIN: Aye.

19 Okay. Takes us to Number 9.

20 DEPUTY DIRECTOR WOHL: Agenda Item 9,  
21 Consideration of the Recycling Market Development  
22 Revolving Loan Program Application for TerraMai, a  
23 California Corporation. TerraMai is requesting a loan in  
24 the amount of \$944,000 to finance the expansion of the  
25 reclaimed wood and remilling operation. TerraMai will use

1 the loan proceeds to purchase machinery and equipment, add  
2 leasehold improvements, and strengthen the working capital  
3 to the stock inventory.

4 Staff recommends the Board approve Option Number  
5 1 and adopt Resolution 2005-163.

6 CHAIRPERSON MARIN: Okay. Is there a motion?

7 BOARD MEMBER PEACE: I'd like to move Resolution  
8 2005-163.

9 BOARD MEMBER MULÉ: Second.

10 CHAIRPERSON MARIN: Moved by Ms. Peace and  
11 seconded by Ms. Mulé.

12 Call the roll.

13 EXECUTIVE ASSISTANT BAKULICH: Mulé?

14 BOARD MEMBER MULÉ: Aye.

15 EXECUTIVE ASSISTANT BAKULICH: Peace?

16 BOARD MEMBER PEACE: Aye.

17 EXECUTIVE ASSISTANT BAKULICH: Washington?

18 BOARD MEMBER WASHINGTON: Aye.

19 EXECUTIVE ASSISTANT BAKULICH: Marin?

20 CHAIRPERSON MARIN: Aye.

21 DEPUTY DIRECTOR WOHL: Agenda Item 11 is  
22 Consideration of the Scoring Criteria and Evaluation  
23 Process for the Reduce Assistance Grants Program, Fiscal  
24 Year 2005-2006 and Fiscal Year 2006-2007. And Sarah  
25 Weimer will present.

1           (Thereupon an overhead presentation was  
2           presented as follows.)

3           MS. WEIMER: Good morning, Madam Chair and Board  
4 members. Sarah Weimer with the Reuse Assistance Grants  
5 Program of the Waste Prevention Market Development  
6 Division.

7           As stated in last week's criteria hearing, this  
8 agenda item is for consideration of the scoring criteria  
9 and evaluation process for the Reuse Assistance Grants  
10 Program for fiscal years 2005-2006 and 2006-2007. Reuse  
11 is the second option in the waste reduction hierarchy, and  
12 the Reuse Assistance Grants Program is one of the few  
13 Board programs that focus on reuse.

14           For this offering, staff proposes implementing a  
15 new time line to maximize the amount of time grantees have  
16 to complete their grant projects and to make best use of  
17 their awarded funds. And should a grantee be unable to  
18 complete or move forward with the project as originally  
19 intended, to allow enough time to reallocate the funds to  
20 the next eligible applicant in order of rank.

21           In order to implement the new time line  
22 efficiently, staff proposes to use the criteria and  
23 evaluation process presented in this item for both fiscal  
24 years 2005-2006 and 2006-2007. The general review  
25 criteria consists of the standard review criteria approved

1 by the Board and are similar to the criteria of the fiscal  
2 year 2004-2005 offering in which grantees are currently  
3 working on their projects.

4           For example, San Mateo County received a Reuse  
5 Assistance grant and is paired with Good Will Industries  
6 to create Recompute, the first free electronics  
7 refurbishing and reuse program in the county. Beginning  
8 Thursday, June 16th, residents and businesses will be able  
9 to drop off working and non-working computers and  
10 televisions at any Good Will Center in San Mateo,  
11 San Francisco, or Marin Counties. Used electronics will  
12 be taken to a refurbishing hub located at San Mateo  
13 County's Vocational Rehabilitation Services in San Carlos.

14           San Mateo County Supervisor Jerry Hill stated,  
15 "This is a landmark program, because the recompute program  
16 does two very good things at once. It offers people with  
17 employment barriers and disabilities an opportunity to  
18 learn marketable skills and it allows electronics to be  
19 reused and refurbished."

20           Debra Alvarez Rodriguez, CEO and President of  
21 Good Will Industries, made the following statement about  
22 the program: "We are thrilled to launch this innovative  
23 business that will drastically reduce the amount of waste  
24 going to landfills, while generating new jobs and  
25 contributing to a sustainable environment."

1           Presented for the Board's consideration are two  
2 different versions of the criteria. Attachment 1 has 25  
3 points as preference criteria for key priority wastes:  
4 Expansion, visible and educational, recipients of project,  
5 and vocational training. The total points possible for  
6 the general criteria and preference criteria are 125  
7 points.

8           Attachment 2 eliminates preference criteria 10  
9 through 12; moves preference criteria 9, expansion, to the  
10 general review criteria under criteria 1, which is need;  
11 reduces the general review criteria points to 90; and  
12 increases the point for preference criteria 8, key  
13 priority wastes from 5 to 10 points. This results in the  
14 total points possible for the general review criteria and  
15 the preference criteria equaling 100.

16           Through the Reuse Assistance Grants, it is  
17 estimated that over 46,000 tons of material are diverted  
18 annually. The Board has allocated \$250,000 for each  
19 offering, resulting in an average of 225 pounds diverted  
20 annually for every dollar spent by the Board. The  
21 matching contribution requirement has enabled the Board's  
22 funds to be stretched even further and have a greater  
23 impact, as \$1.2 million have been awarded by the Board,  
24 but over \$3.6 million has been provided by grantees in  
25 matching funds.

1           Following approval of this item and passage of  
2 the State's budget for fiscal year 2005-2006, Program  
3 staff will send a Notice of Funds Availability to several  
4 thousand contacts statewide. The NOFA will also be placed  
5 on the Board's website.

6           The proposed postmark deadline for fiscal year  
7 2005-2006 applications is October 27th, 2005. Once the  
8 applications are received, Program staff will convene  
9 panels consisting of appropriate Board staff. In an  
10 attempt to bolster the interest and the number of  
11 applications and the application scores from Southern  
12 California, staff presented a grant writing workshop in  
13 the city of Lynwood in March 2005 for the Los Angeles Area  
14 Regional Agency.

15           Based on the Board's direction, staff will award  
16 grants based on geographic distribution where  
17 approximately 60 percent of funding will be awarded to  
18 applications receiving passing scores submitted by  
19 Southern California entities, and 40 percent of funding  
20 will be awarded to applications receiving passing scores  
21 submitted by Northern California entities.

22           \$250,000 is allocated for each offering of Reuse  
23 Assistance Grants, which typically results in  
24 approximately six grants. Awarding grants based on  
25 geographic distribution will result in approximately four



1 grants awarded to Southern California and two grants  
2 awarded to Northern California. This proposal will  
3 utilize up to \$250,000 of fiscal year 05-06 IWMA funds and  
4 \$250,000 of fiscal year 06-07 IWMA funds.

5 Staff recommends that the Board direct staff to  
6 issue a NOFA in accordance with the recommended approaches  
7 discussed in this item; to use one of the proposed  
8 evaluation and scoring criteria options to evaluate and  
9 rank applications for the fiscal year 05-06 and 06-07  
10 offerings; and bring the resulting list of ranked  
11 applications back to the Board for award.

12 At this time, I would like to invite any  
13 questions the Board may have.

14 CHAIRPERSON MARIN: Thank you, Sarah.

15 And I will make the same comment I did with the  
16 other Committee. You know, it seems to me that after we  
17 have a lot of discussions and staff is able to go back and  
18 figure out a way to make this better, I believe much, much  
19 better than at the beginning, and I want to commend you  
20 specifically and certainly Patty for working very hard to  
21 achieve that consensus.

22 The way that I see it, Attachment 2 is the one  
23 that dealt with the questions that we had raised. So we  
24 had a lot of discussion during that Committee, as you all  
25 know. And unless there are any further questions, I'm

1 ready for a motion.

2 CHIEF COUNSEL CARTER: Excuse me, Madam Chair.

3 I note on the Resolution that on the second "now  
4 therefore be it further resolved," there's reference to  
5 Attachment 1. If the Board intends to accept Attachment  
6 2, which is the revised criteria, then I would suggest  
7 that they make that change within the motion.

8 CHAIRPERSON MARIN: Good catch. Okay. That will  
9 be the case with the proper motion.

10 BOARD MEMBER PEACE: I still have a couple  
11 questions.

12 This is a very well run grant program. We've  
13 gotten some great projects and really diverse projects.  
14 I'm still trying to, I guess, figure out some of the  
15 things that staff had put in the preference criteria, you  
16 know, they thought were important. On your Good Will  
17 Industries example, can you tell me what kind of  
18 vocational training they do, and why you think that's  
19 important to that grant program.

20 MS. WEIMER: My understanding is the vocational  
21 training employed with the San Mateo County Program is to  
22 train people to refurbish and reuse electronic materials  
23 that are normally disposed of. Increasing the training  
24 can, therefore, increase the amount of material that's  
25 being reused and diverted from the landfill. And it's

1 something that once the training has been accomplished,  
2 that can continue long after the grant funds have ended  
3 and the grant project has ended. It can expand long  
4 beyond the two-year scope of the project.

5 BOARD MEMBER PEACE: Has there been other  
6 grantees in the past that didn't do vocational training  
7 and you found the programs weren't as good or they didn't  
8 continue or --

9 MS. WEIMER: It's not necessarily indicative of  
10 the longevity of the program. It's something that can  
11 help secure that project will continue. It's just one  
12 facet that can help ensure the sustainability of a  
13 project.

14 BOARD MEMBER PEACE: So if we somehow didn't have  
15 it in the preference points, is there another place where  
16 it could be? Because that's important.

17 MS. WEIMER: We could certainly incorporate it  
18 into the general review criteria under a different  
19 criterion, which might be appropriate, for instance, goals  
20 and objectives. We could perhaps incorporate under goals  
21 and objectives, the goal being perhaps to have this  
22 project be a sustainable project, a long-term project,  
23 something that will continue long after the grant term has  
24 ended. So we could certainly incorporate that as a  
25 question underneath that criterion as a way for evaluators

1 to determine if this project might continue long after the  
2 grant term has ended.

3 BOARD MEMBER PEACE: Under goals and objectives  
4 you could add in there vocational training?

5 MS. WEIMER: We certainly could do that if the  
6 Board desires to do that.

7 BOARD MEMBER PEACE: Because there are 20 points.

8 MS. WEIMER: Right. Or we could put it into  
9 need, we could incorporate. We're happy to do whatever  
10 the Board would like. If it seems more appropriate to put  
11 it under the need criterion, the need for the project, the  
12 need for the continuity of the project, and to incorporate  
13 vocational training into the reuse of materials, we can  
14 certainly do that. And it's stated -- the revision has 5  
15 points more in that section, so we could add another  
16 question there, if that's what the Board would like.

17 BOARD MEMBER PEACE: You know, I think staff  
18 thought this was important, the vocational training was  
19 important. And when you explain it to me, I think it is  
20 an important thing, too. So I think I would like to have  
21 at least put under the goals and objectives is to have  
22 some vocational training.

23 CHAIRPERSON MARIN: I certainly don't disagree  
24 with that. Let me just state back, at one point in time  
25 it was the Board that was really pushing for this, not

1 necessarily staff. And it's a preference.

2           You know, preferences -- how can I put it? They  
3 would prefer something happens versus that it doesn't.  
4 It's not, at least in my book, something that they need to  
5 have, which is where need is.

6           And the reason why I questioned the preferences  
7 is because it seemed to me that we were allocating a lot  
8 of points when you took the entire preference scoring to  
9 things that were not really getting us to what we really  
10 wanted to do. That is preferable, yes.

11           But, you know, sometimes it seems to me that we  
12 lose site of what we're really here to do. And while we  
13 would prefer to do something, let's make sure that it  
14 doesn't take us away from what we are really here to do.  
15 We're here to divert.

16           And while job training -- and what was the other  
17 one? Working with nonprofit organizations, that is nice.  
18 But if we have one organization that is going to divert  
19 because of reuse far many more tons of weight, you know,  
20 that, to me, is far more important, because that takes us  
21 directly to the core of what we're here for.

22           You know, because if you think about that, Ms.  
23 Peace, depending on the numbers, because of the  
24 preferences, we may actually end up giving it to somebody  
25 that is not going to divert as much for reuse than one

1 that may not have that. And I really -- you know, let's  
2 think long and hard here.

3 BOARD MEMBER MULÉ: Madam Chair, if I could.

4 I don't think that it's part of our core mission  
5 to provide job training. And I think that's what you're  
6 saying. And so I don't think that it necessarily should  
7 be included in our goals and objectives. However, as a  
8 preference criteria, as you put so well, is that, you  
9 know, it's a side benefit, if you will, as a result of  
10 having this particular project occur. But that's really  
11 not the Board's core mission to provide job training. And  
12 so I don't agree with Ms. Peace that it should be included  
13 in our goals and objectives.

14 BOARD MEMBER PEACE: I guess my thought is if the  
15 whole point is that we want to fund grant programs that  
16 have the best chance of success and longevity beyond the  
17 grant, that vocational training can do that and expanding  
18 the nonprofits that make a program -- you know, maybe  
19 adding in the vocational program then is what is the best  
20 recipe for encouraging those projects that will have the  
21 best chance of success and lasting the longest past their  
22 grant.

23 BOARD MEMBER MULÉ: And I agree with that. But I  
24 just don't agree it should be part of our goals and  
25 objectives. Again, our core mission is not to provide job

1 training. Our core mission is to divert materials from  
2 the landfill. But if we -- and, again, in our evaluation  
3 process if we see that, oh, by the way, they're providing  
4 job training so that this can be a sustainable program,  
5 then they get the extra points.

6 CHAIRPERSON MARIN: But even Sarah mentioned that  
7 that doesn't guarantee sustainability in her presentation.  
8 So I appreciate -- well, I don't know.

9 Did you want to say something, Mr. Washington?

10 BOARD MEMBER WASHINGTON: Yeah. I think I agree  
11 with Ms. Peace in the sense that I do believe this  
12 provided an enhancement to those who we're issuing these  
13 resources out to with the vocational training. I just  
14 believe that we should have that it's a part somewhere. I  
15 mean, to me, it doesn't matter where you put it. Perhaps  
16 maybe it should stay in the preference category or  
17 something. I have no clue. But I think that it is needed  
18 somewhere in here.

19 BOARD MEMBER PEACE: If we get more tons diverted  
20 by getting programs that last, then I think it is  
21 achieving our goal to give some sort of --

22 CHAIRPERSON MARIN: Okay. I don't want to  
23 belabor this. Let me just deal with this as fast as we  
24 can, because it seems to me -- is there a proposal that  
25 you have, Ms. Peace?

1           BOARD MEMBER PEACE: Well, I would like to see --  
2 I guess if you don't want it in the preference criteria,  
3 that we take the vocational training and put it in goals  
4 and objectives. Put it there where each one of those  
5 bullets would be four points, and they could get some four  
6 extra points if they have a program that provides some  
7 vocational training.

8           MS. WEIMER: If I may -- this is Sarah Weimer  
9 again. If I may make a comment.

10           Originally, we had five sets -- we had five  
11 groups of preference criteria, 5 points each. That was  
12 something that is -- you notice with the revision we  
13 increased the key priority wastes to 10. If it's the  
14 Board's wish, we could always reduce the vocational  
15 training to one or two points, if that's something that's  
16 desired. If you want to keep that in there but not have  
17 as much of an emphasis on it, that's something we could  
18 certainly do as well. It's whatever the Board would like.

19           CHAIRPERSON MARIN: Well, we'll give them 7  
20 points and 7 for the key priority. That tells us where  
21 our priorities are.

22           Ms. Peace.

23           BOARD MEMBER PEACE: You wanted to just keep the  
24 preference as the key priority wastes 10 points.  
25 Vocational training, we could take it out of the



1 preference criteria as you suggested and just --

2 BOARD MEMBER WASHINGTON: No. I agree with Madam  
3 Chair. I think what she's saying, you just take 7 points  
4 and give it to key priority waste and put 3 points for  
5 vocational training.

6 CHAIRPERSON MARIN: And right there the  
7 preference criteria. And we don't mess with all the goals  
8 and objectives. To me, that would be of a higher value.

9 So if that is it, then 3 for vocational training  
10 and 7 for key priority wastes.

11 MS. WEIMER: That keeps the total at 100.

12 CHAIRPERSON MARIN: And it will be within the  
13 preference.

14 BOARD MEMBER PEACE: I was going to say under  
15 goals and objectives, each one of those bullets is, what,  
16 5 points? Is that what you get, 5 points for each one of  
17 the bullets?

18 MS. WEIMER: For the goals and objectives?

19 BOARD MEMBER PEACE: Yeah.

20 MS. WEIMER: Generally. We did reduce that, so  
21 we haven't gone through and changed exactly --

22 CHAIRPERSON MARIN: But let me share this with  
23 you. The goal and objective, that's a stronger point, if  
24 you will, than a preference. And I don't know that's the  
25 goal of the project.

1           BOARD MEMBER PEACE: I was going to say if we did  
2 put it under goals and objectives and added the fifth one,  
3 it would be four points for each bullet instead of five.

4           BOARD MEMBER WASHINGTON: Madam Chair, before we  
5 finish -- I remember in our last Committee, Ms. Carter --  
6 Ms. Carter, is this an issue where we vote on one, we have  
7 to vote on all or I mean --

8           CHAIRPERSON MARIN: No.

9           BOARD MEMBER WASHINGTON: So this doesn't effect  
10 that? I don't want to get through this whole thing --

11          CHAIRPERSON MARIN: This is a good try. Can't do  
12 it, though.

13          So we can decide. This would be the time to  
14 decide on the scoring criteria. So this is exactly how  
15 democracy works. It's all in public.

16          BOARD MEMBER PEACE: The things that staff  
17 thought were important we put expansion in the general  
18 criteria. That's in there.

19          Visible and educational, I think that can be  
20 where it says the outreach goals. That's in there.

21          The only other thing I really thought that staff  
22 made some good points on was the vocational training. So  
23 I guess I hated to see that totally go away.

24          CHAIRPERSON MARIN: Would it be okay at 3 points  
25 and 7?

1 BOARD MEMBER PEACE: Yes.

2 CHAIRPERSON MARIN: I have agreement on that.

3 Without further discussion, is there a motion?

4 And then it would be Attachment 2, Resolution

5 2005-165, with the caveat.

6 DEPUTY DIRECTOR WOHL: Resolution 2005-165

7 Revised to address Attachment 2 in the Resolution and to

8 modify Attachment 2 to read 7 points for key priority

9 wastes and 3 points for vocational training under

10 preference points.

11 CHAIRPERSON MARIN: Excellent wrap-up.

12 Is there a motion?

13 BOARD MEMBER WASHINGTON: I move what she said.

14 CHAIRPERSON MARIN: Moved by Mr. Washington.

15 Second?

16 BOARD MEMBER MULÉ: Second.

17 CHAIRPERSON MARIN: By Ms. Mulé.

18 Without objection, we will substitute the

19 previous roll call.

20 Thank you so very much. I really appreciate

21 that. Okay.

22 We'll take a ten-minute break, and we will be

23 right back at 11:15. Thank you.

24 (Thereupon a recess was taken.)

25 CHAIRPERSON MARIN: Okay. Let's get started.

1 Jeannine, will you call the roll, please?

2 EXECUTIVE ASSISTANT BAKULICH: Mulé?

3 BOARD MEMBER MULÉ: Here.

4 EXECUTIVE ASSISTANT BAKULICH: Peace?

5 BOARD MEMBER PEACE: Here.

6 EXECUTIVE ASSISTANT BAKULICH: Washington?

7 BOARD MEMBER WASHINGTON: Here.

8 EXECUTIVE ASSISTANT BAKULICH: Marin?

9 CHAIRPERSON MARIN: I'm here.

10 Okay, Number 12, Ms. Wohl or Mr. Orr.

11 DEPUTY DIRECTOR WOHL: I will introduce it.

12 Agenda Item 12, Consideration of the Grant Awards

13 for the Sustainable Building Tire Grant Program, Fiscal

14 Year 2004-2005. And Kristen McDonald will present.

15 MS. MC DONALD: Good morning, Madam Chair and

16 Board members. I'm Kristen McDonald with the Sustainable

17 Building Grant Program. This Agenda Item Number 12 asks

18 for your consideration of the grant awards for the

19 Sustainable Building Tire Grant Program.

20 We received six applications for the

21 solicitation. One application was disqualified due to

22 project ineligibility. The remaining five were evaluated

23 and scored based on the Board-approved scoring criteria.

24 One of the remaining five applications did not meet the

25 minimum scoring points of 75, and, therefore, is not being

1 recommended for funding. The remaining four applications  
2 met the minimum scoring criteria and are being recommended  
3 for funding for a total of \$246,744.

4 The proposal project summaries are as follows:

5 City of Ontario, this project will assist in the  
6 construction of two community park facilities that will be  
7 LEED certified. The City will purchase recycled rubber  
8 traffic barricades for use at both locations during  
9 construction as a safety measure. Secondly, the wheel  
10 stops made from recycled rubber will be placed in the  
11 facility parking lots. Both of the park facilities will  
12 contain recycled rubber playground cover and recycled  
13 rubber flooring.

14 San Luis Obispo's Children's Museum, the proposal  
15 is to purchase and install a pour-in-place playground area  
16 for a nonprofit organization. The new Children's Museum  
17 will also be designed to exceed Title 24 requirements for  
18 sustainable building, including incorporating sustainable  
19 interior finishes, daylighting, and passive cooling and  
20 heating systems.

21 The City of Monterey Park, the proposal will  
22 develop local model guidelines for waste tire usage;  
23 develop and conduct unique outreach and educational  
24 efforts in English, Spanish, and Chinese; to encourage the  
25 use of waste tire products in local residential remodels,

1 roofing and landscaping; and to develop practical  
2 partnerships with the building industry to assure that the  
3 guidelines are used and waste tire supply becomes an  
4 integral aspect of construction projects. These materials  
5 could then be used in the Board's tool kit for additional  
6 outreach efforts.

7           And last, but not least, El Dorado County, these  
8 funds will be used to incorporate a bullet containment  
9 system at the new shooting range in El Dorado County.  
10 This 18,000 square foot facility will be placed on three  
11 acres owned by El Dorado County. The funds are to cover a  
12 portion of the bullet containment system that will be  
13 constructed at the end of five 100-yard lanes and up to  
14 nine 25-yard lanes. The hopper deflection baffle will be  
15 constructed of high quality steel armor. The rubber media  
16 will be loose resilient particles approximately  
17 three-fourths to one-and-a-fourth inches in size and  
18 approximately 30 inches deep for the length of the  
19 infrastructure. The rubber media will reduce and minimize  
20 bullet fragmentation, deviation, and disintegration.

21           According to the proposals, these four projects  
22 will divert 22,997 tires, with a cost per tire of \$10.73.  
23 There's also potential with the Monterey Park project  
24 program of diverting a total of 46,662 tires with the cost  
25 per tire of 5.66, if the proposed diversion numbers are

1 achieved through these projects.

2 If the Board approved the award of these grants,  
3 that would leave a balance of \$53,256 of the \$300,000 for  
4 fiscal year 2004-2005 allocation to sustainable building  
5 projects.

6 With that, staff recommends the Board approve  
7 Resolution 2005-166. I'm available to answer any  
8 questions. We also have some representatives from some of  
9 the applicants here to speak if you have any questions  
10 specific for them.

11 CHAIRPERSON MARIN: Thank you, Ms. McDonald.

12 I don't know if there are any questions. This is  
13 the one where if you vote for one, you vote for all. And  
14 if you vote for -- if you do not vote for one, then you  
15 vote for none of them.

16 I know we have at least one speaker. If it is  
17 okay with the Board, I will let them speak, John Cuppal.

18 MR. CUPPS: Madam Chair, members of the Board,  
19 for the record, my name is John Cupps. I'm a consultant  
20 to the San Luis Obispo Integrated Waste Management  
21 Authority. We assisted the Children's Museum in preparing  
22 their application for this grant program, and we would  
23 just like to urge your favorable consideration of it.

24 Basically, we think, you know, the key issue is  
25 really one of fairness. Four months ago, this Board voted

1 unanimously to approve the criteria for this grant  
2 program. Based upon that, we, in good faith, committed  
3 staff resources to prepare the grant application. Your  
4 staff has reviewed and scored that. We've got a passing  
5 score. We think it's only fair that you go forward with  
6 this program. Thank you very much.

7 CHAIRPERSON MARIN: When I was looking at your  
8 name, I couldn't make Cupps. That's why I'm thinking,  
9 Cuppal? He changed his name.

10 MR. CUPPS: One coppice.

11 CHAIRPERSON MARIN: Okay, Mr. Juan. Thank you  
12 very much for your presentation.

13 And this is one of the -- does anybody else wish  
14 to address the Board on this item? Okay. One more  
15 person.

16 MR. HULS: Madam Chair, Board members, my name is  
17 Michael Huls. I'm representing the City of Monterey Park.

18 The thing I wanted to mention is that while the  
19 initial phase of the grant application to the Board is to  
20 conduct outreach and education and to establish  
21 guidelines, for example, the real intent is to create no  
22 less than ten practical projects in both Monterey Park and  
23 outside that particular community by the end of the grant  
24 that would divert approximately 20,000-plus tires.

25 The intent then is that the local guidelines will



1 contain upgrades in the City's C&D ordinance and other  
2 aspects that will require incorporation of green building  
3 practices. And we feel that will be a real impetus  
4 towards the purchase of the recycled tires. Thank you.

5 CHAIRPERSON MARIN: Thank you, Mr. Huls. Okay.  
6 Everybody needs to take calligraphy. I'm kidding.

7 I appreciate what the process that we have  
8 followed has led us to this point. There are a number of  
9 reservations that were voiced during the Committee  
10 meeting. And, unfortunately, because the way that our --  
11 even the way that we let the proposals go out -- what do  
12 we call it? The Request for Proposals, RFPs, it leads us  
13 to the point that while some -- at least in the perception  
14 of the Board members, some of these are very noteworthy,  
15 very important.

16 The way it is, if we agree with one, then we have  
17 to agree with all of them. And there are some concerns at  
18 least on three of them -- or two of them that really does  
19 not make us -- it's not what it's supposed to be, and it's  
20 a difficult position to be in.

21 But I believe that there is a way that we can  
22 deal with this. Even if we reject all of them right now,  
23 we will have an opportunity in January, as early as  
24 January, to invite proposals that will probably better  
25 dealt with at that time than at this. And if we don't do

1 that, then I think many of the other grants that we give  
2 where other cities and other organizations had the  
3 opportunity, they're very similar to what these proposals  
4 are doing. The perception might be that this was a  
5 roundabout way to get to the moneys.

6 And so we had a very long discussion about this.  
7 I think the view of the Board members is that because of  
8 the way it is, in order for this to stop now, as other  
9 Requests for Proposals are sent out, that there is going  
10 to be a line where we reserve the right to reject any and  
11 all proposals. So I think that when we do that, we will  
12 be better served, all of us will be better served, and all  
13 of the organizations will be better served if we do that  
14 from now on.

15 With that, is there any discussion?

16 I know, Ms. Peace, some of these particular  
17 projects would have been much better suited to apply  
18 within the Tire Grant Programs, the grants that we give  
19 out. And that's where we're wrestling with, because they  
20 should not have come here.

21 BOARD MEMBER WASHINGTON: And, Madam Chair, I  
22 think that's the key point here, is that the Committee --  
23 you know, it wasn't our suggestion that these were bad  
24 projects. It was just where they were placed raised some  
25 concerns. And so that's where the discussion came from.

1 Had nothing to do with the projects.

2           And with that said, Madam Chair, I'm just  
3 concerned that -- it's my belief we should move these  
4 items forward with the type of work that people have put  
5 in for these proposals. They did go out to the community.  
6 And we still in January can come back and address these  
7 particular issues. But I do believe that we should award  
8 these grants. These people, they operated by which we  
9 sent out the criteria to submit for these grants. And I  
10 just believe we should just go ahead and approve these  
11 grants and then fix the criteria.

12           It's our responsibility to fix the problem we're  
13 having. And certainly, it is a problem, and we've all  
14 recognized where that problem lies. And you hit the nail  
15 on the head. We need to fix that so we don't have this  
16 problem again.

17           So I'm willing to go ahead and move these items  
18 forward as they are, based on what we sent out to the  
19 folks as criteria to met. They have met those criterias.  
20 That's my position.

21           CHAIRPERSON MARIN: Thank you, Mr. Washington.

22           Is there any further discussion?

23           BOARD MEMBER PEACE: I just have to say, I was  
24 really disappointed in the projects that we got. We sent  
25 out 21 NOFAs. We got six applications. It's not that any

1 of these projects are bad projects. I think what we're  
2 thinking is that the money isn't going to be spent as it  
3 was intended. This money was supposed to be for  
4 sustainable building projects that would promote the use  
5 and design of building products. And I don't know if  
6 these quite fit the bill. I'm really torn, because I know  
7 they did apply and they were scored and they passed. So  
8 I'm really torn with this.

9 But if we decide to do this program again, one, I  
10 think it's very important that we need to have the results  
11 from the indoor quality air emissions study done, so that  
12 we can promote using them indoors or not. We need to  
13 actually consider if we want to restore some of the IWMA  
14 funds to the sustainable building, so they're more well  
15 rounded. And that also we really need to work on refining  
16 the eligibility and scoring criteria by requiring that all  
17 these applications are really in the context of a  
18 sustainable building, you know -- bonafide sustainable  
19 building project.

20 CHAIRPERSON MARIN: I certainly agree with Ms.  
21 Peace and what she just said.

22 You know, for staff specifically -- and we  
23 mentioned this during the Committee meeting -- we tried  
24 something. There's nothing wrong with trying and not  
25 succeeding, because we didn't fail. Just because we did

1 not succeed, it doesn't mean that we failed. But we can  
2 ensure success, you know, the next time.

3           And so I know a lot of people worked very hard on  
4 this. Six institutions submitted their proposals. We  
5 sent out notices to far many more than that. And I think  
6 we can learn from this.

7           But to go forward with it with all the flaws that  
8 it has and without the purpose of the intent being met, it  
9 seems to me that we would be doing this Board a disfavor,  
10 not a favor. Clearly, the work that has already been done  
11 by the organizations needs to be acknowledged. But at the  
12 end of the day, this does not meet the purpose for which  
13 it was intended. And to go along and play along, it does  
14 more of a disservice to everybody and certainly to this  
15 Board than anything else.

16           So while I appreciate Mr. Washington's concern, I  
17 very respectfully disagree with that. I think that it is  
18 okay to say, you know what? This is not really what we  
19 intended to do. And I certainly will encourage all of us  
20 to review and revise so that this doesn't happen again.  
21 That is going to be my position.

22           So without a second, Mr. Washington, your motion  
23 dies. We appreciate that, and we will encourage the  
24 organizations to submit to those proposals that this would  
25 be intended for. At least a majority of them are not what

1 they were intended to do.

2 Ms. Mulé.

3 BOARD MEMBER MULÉ: Thank you, Madam Chair.

4 I just want to make a couple of comments. I do  
5 understand that this is the first time that we used Tire  
6 funds only in this grant program. And having been working  
7 in contracts for many, many years, I can appreciate all of  
8 the hard work and effort that went into preparing the  
9 proposals for the Board. It's a lot of work, and I do  
10 appreciate all the time that was spent on that.

11 I guess some of the concerns that I have were  
12 staff had indicated in some comments that we really don't  
13 have the results of safe emissions levels for indoor  
14 tire-derived products. So then I question why are we  
15 obtaining grants or applications for grants when we don't  
16 even know whether or not it's safe to use TD products in  
17 interiors of buildings.

18 And, also, I think what this process has shown  
19 us, what we learned from it, was that, you know, just  
20 because we approved the scoring criteria, the evaluation  
21 criteria, doesn't necessarily mean that we're achieving  
22 our objectives. And it really goes back to the  
23 discussions that we've been having about undergoing a  
24 review of all of our grant programs and taking a broad  
25 look at our entire grant program.

1           And, Julie, I know you're working very diligently  
2 on that. And I really do appreciate the effort that staff  
3 is undertaking. Because while it's painful right now to  
4 reject these grants, I think that in the long run, if we  
5 take a broad look at all of our grant programs and look at  
6 how we can best utilize our dollars in achieving our goals  
7 and objectives, I think we're all going to be better off.

8           So, again, I just want to tell the applicants, I  
9 truly do appreciate all the work that you've put into  
10 this. But I think that at this time it's best that we do  
11 take a step back and look at our entire grant program and  
12 put together a grant program that makes sense. I see a  
13 lot of -- not a lot, but I see some duplication and some  
14 crossover of efforts. So, again, if we look at our entire  
15 program and streamline our grant program, I think we're  
16 all going to be much better off for it.

17           So thank you, Madam Chair.

18           CHAIRPERSON MARIN: Thank you, Ms. Mulé.

19           And in addition to that, I know Ms. Julie Nauman  
20 has diligently been working with staff for a complete  
21 review of the grant process. And I'm most confident that  
22 all of the smaller issues will be dealt with at that time.  
23 So we would expect something back pretty soon, Ms. Nauman?

24           CHIEF DEPUTY DIRECTOR NAUMAN: We're looking  
25 right now at bringing something back to the Board prior to

1 the end of the year.

2 BOARD MEMBER WASHINGTON: And Madam Chair, as we  
3 discussed in our Committee meeting, I hope a part of that  
4 will be the Board's ability to review the criteria  
5 process. Because the criteria process is the thing that  
6 makes us look like oxymorons when we approve criteria and  
7 then come back and say, "No, don't give it to them," based  
8 on our approval of the criteria. I hope we address that  
9 part so we won't be sitting here doing this. I know you  
10 have a commitment to making sure that happens. So I  
11 really want to see the criteria before it comes to a  
12 public setting so we can have some discussions where we  
13 don't have to do it in this setting, in this form.

14 CHAIRPERSON MARIN: And I would just say that  
15 there are other grants for which specifically the two  
16 items, the two representatives from the two different  
17 organizations are here, would best fit in another  
18 criteria.

19 So don't be discouraged. It's not no. It's not  
20 right now. Okay.

21 So with that, we will go to the next item.

22 BOARD MEMBER PEACE: Could I just say one thing,  
23 Madam Chair?

24 CHAIRPERSON MARIN: Ms. Peace.

25 BOARD MEMBER PEACE: With this item not going



1 forward that there will be \$300,000 remaining, which we'll  
2 lose the spending authority for if it isn't reallocated.  
3 And I want to remind everyone that's the money we'll be  
4 talking about in Item Number 37.

5 CHAIRPERSON MARIN: Thank you. I was going to  
6 make that comment. But we will be dealing with that  
7 afterwards at the very, very end. But thank you for  
8 reminding us.

9 BOARD MEMBER WASHINGTON: Madam Chair, Mr. Cupps  
10 is coming up.

11 CHAIRPERSON MARIN: Mr. Cupps, only because you  
12 are Mr. Jose Cupps -- or Juan Cupps. Now I changed your  
13 name. These are prerogatives that only our most trusted  
14 friends we give, to speak to the Board twice.

15 MR. CUPPS: Thank you very much. I appreciate  
16 the opportunity.

17 You know, the last time that the Authority  
18 participated in a Tire Grant application was on a  
19 Commercial Tire Grant application. It was approximately,  
20 I don't know, three, four years ago. And we ended up  
21 going through the same kind of thing where the Board,  
22 after having approved the criteria and the grants being  
23 scored, the Board for some other kinds of reasons, they  
24 didn't think that the projects were quite, you know,  
25 consistent with what the intent was. And, you know, the

1 Board decided not to award those grants.

2 I've just got to tell you it's very discouraging  
3 to commit the time and the resources based upon your  
4 criteria, go through the process, have staff score it with  
5 a passing score, and then have the Board decide no, that's  
6 not quite right.

7 I notice that you only got, what was it? Six  
8 applications? And you've got to begin to wonder whether  
9 or not people are just discouraged about this process  
10 where you can spend a lot of time, energy, and effort  
11 preparing an application, get a passing score, and then  
12 get in front of the Board and have the rug pulled out from  
13 under you.

14 Thank you.

15 CHAIRPERSON MARIN: Thank you, Mr. Cupps.

16 Let me just say this, because this is one of the  
17 most painful things to do. And what we would hope, and  
18 it's certainly my hope, that when the applications came  
19 in, upon the applications being received, that there would  
20 have been the connection, the contact with the Board  
21 members or at least the Chair or bring it to a higher  
22 level and say, you know, some of this, this is not really  
23 what we intended to do. And we could have stopped that  
24 process, instead of dragging it all the way up until now.  
25 It's difficult to say now. I think that that is probably

1 one of the worst things for people to do.

2 But there's got to be a higher purpose. And this  
3 particular -- or at least a number of these particular  
4 proposals to not really meet the intent. Staff tried  
5 their hardest to make them fit, but they don't fit. As  
6 simple as that. So we have to deal with that. And while  
7 I understand that there is discouragement, I will only  
8 tell you that there are other grants for which this will  
9 fit or do fit.

10 With that, we'll go to the next item.

11 BOARD MEMBER PEACE: One comment on that. On our  
12 new Five-Year Tire Plan, the revised plan, there is a  
13 whole chunk of money set aside for Tire-Derived Product  
14 Grants, which would be open to all sorts of tire-derived  
15 products, not just playgrounds or tracks, but all sorts of  
16 tire-derived products. And a lot of these will fit into  
17 that category for next time.

18 CHAIRPERSON MARIN: Thank you, Ms. Peace.

19 Okay. The next item is Item Number 19. And  
20 Tara, you're up.

21 BRANCH MANAGER MORALES: Madam Chair, I will be  
22 representing --

23 CHAIRPERSON MARIN: I was going to say, who's  
24 going to do it? And Tara automatically got up. So go  
25 ahead.

1           BRANCH MANAGER MORALEZ: Madam Chair and Board  
2 members, my name is, for the record, Phil Morales, not Pat  
3 Schiavo, though I have the same color hair he does. And  
4 Pat's enjoying a much needed vacation.

5           What I want to do is first of all let Bob Davila  
6 go ahead and contact City Manager of Holtville, Steve  
7 Hogan. I understand there may be some delays in the  
8 broadcast between discussions, so we may be doing  
9 international satellite, something new in this agenda.

10           Agenda Item Number 19, Consideration of a  
11 Second --

12           CHAIRPERSON MARIN: Well, Mr. Morales, should we  
13 make sure that they're on?

14           BRANCH MANAGER MORALEZ: As soon as Tara finishes  
15 her brief presentation, he should be on. And Bob will let  
16 us know if there's a problem.

17           CHAIRPERSON MARIN: Okay. But are they listening  
18 to --

19           BRANCH MANAGER MORALEZ: They've been listening  
20 to the Board meeting all along. So they know it's coming.

21           CHAIRPERSON MARIN: Okay.

22           BRANCH MANAGER MORALEZ: Agenda Item 19,  
23 Consideration of a Second SB1066 Time Extension  
24 Application by the City of Holtville, Imperial County.  
25 And Tara Gauthier will be giving a brief presentation.

1 MS. GAUTHIER: Thank you, Board members.

2 The City of Holtville has requested a second  
3 SB1066 time extension through December 31st, 2005. The  
4 City plans to conduct a campaign to reduce curbside  
5 contamination; to improve the existing commercial  
6 recycling program; to implement a school recycling  
7 program; to require the hauler to divert Christmas trees;  
8 to fully implement the new C&D ordinance; and to hire and  
9 train a staff person to implement the diversion programs.  
10 And I understand they have selected and hired a new staff  
11 person very recently.

12 Board staff has determined the information  
13 submitted in the application has been adequately  
14 documented and recommends the Board approve the time  
15 extension request for the City.

16 A representative from the City of Holtville,  
17 Steve Hogan, City Manager, is available on the phone to  
18 respond to your questions. This concludes my  
19 presentation.

20 CHAIRPERSON MARIN: Thank you, Tara.

21 Do we have Mr. Hogan on the line?

22 MR. HOGAN: We are here, Chairman Marin.

23 CHAIRPERSON MARIN: Thank you. It works.

24 Davila, he's just amazing. He's amazing. But  
25 don't be requesting a salary increase, okay.

1           Mr. Hogan, I'm sorry that you're not able to join  
2 us personally, but I'm glad you're able to join us through  
3 the technological successes that we have.

4           I understand that you sent us a letter suggesting  
5 some of the things that you have been doing, how hard  
6 you've been working with some people in the industry, and  
7 also you even had Mr. Leary's name in it and Mr. Roberti's  
8 name in it. And I understand that this Board has worked  
9 with you.

10           As you can imagine, we were very distressed with  
11 the numbers that are coming forward so far. And we wanted  
12 to hear from you directly how committed you are to  
13 ensuring that this doesn't happen anymore and if there's  
14 anything that we can do. But we really want to get you  
15 and your Council's commitment that this is really  
16 important.

17           MR. HOGAN: Well, thank you for that, and thank  
18 you for the opportunity to address the Board. We regret  
19 not being able to attend your meeting. And as I shared  
20 with you in the letter I sent to each of you, which is  
21 part of the public record, that we have some serious  
22 financial constraints.

23           I'm aware that the Board knows where the Imperial  
24 Valley is, and particularly Holtville, and I've had the  
25 privilege of working with the Board and the Board staff

1 for the past five years. As I shared with you in the  
2 letter, I have a personal commitment to the success of  
3 this program, having been the Valley's designated Chair of  
4 a source reduction recycling program. And we worked  
5 through each of the Cities, each of the agencies, as well  
6 as hired consultants to help us meet the 50 percent  
7 diversion rate. And we were at some point successful.

8           At the present time, the City of Holtville, we  
9 recognize that we have a problem with our diversion rate.  
10 In fact, we looked at our diversion rate, and apparently  
11 they went negative, which indicates that something's wrong  
12 with our base year. So we are committed to getting a new  
13 generation study as well as implementing all the programs  
14 that we have signed up for and the source reduction  
15 recycling element.

16           I will tell you that our Council is very  
17 committed to recycling. In fact, as I shared with you, we  
18 have hired a staff person. They start on June 27th. That  
19 is a \$36,000 commitment that we pay personally. There are  
20 no grants or other sources of funding for it.

21           We are also privileged in having on our Council a  
22 President of RMD Technologies, who is an electronic waste  
23 handler. So he provides additional resources for us to  
24 consult on handling some of the waste that we see in our  
25 element. Because we also have the commitment of several

1 people who are interested in providing us assistance in  
2 signing up for some of these programs. Schools have been  
3 cooperative.

4 And, really, Chairperson Marin and the Board, the  
5 real issue here is time on task and accountability and the  
6 ability of an individual to be focused on the programs  
7 that we have signed up for. We have that person. They  
8 start June 27th. We believe that with the able assistance  
9 of Tara Gauthier and Cara and Kaoru, who have been  
10 extraordinarily helpful to us, that we plan to be  
11 successful. Whether or not we ever reach the 50 percent  
12 diversion rate, I think that's a separate question. But  
13 the fact is we intend fully to commit ourselves to  
14 implementing all the programs.

15 CHAIRPERSON MARIN: Well, I certainly appreciate  
16 that, Mr. Hogan. And it would be my hope that you do  
17 reach the 50 percent one, because you're mandated to do  
18 that. Second of all, because we will work with you to  
19 make sure that you do. If, in fact, the programs are in  
20 place, which in my personal view they should have been in  
21 place all along -- but, you know, we're at this point.  
22 And this Board has been very willing to work with you. It  
23 is very distressing. And the reason why we're having this  
24 conversation is because it's simply unacceptable, the  
25 level that the City of Holtville is.



1 I know that you guys are committed to working,  
2 and we really cannot impress upon you enough how important  
3 it is that you reach the 50 percent mandated goal. We're  
4 prepared to help you, and we're glad that you have now  
5 taken the steps that will get you there.

6 Are there any other comments from Board members?

7 Mr. Washington and then Ms. Mulé.

8 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

9 Just briefly, Mr. Hogan. You mentioned that  
10 you've been dealing with the Board for the last five  
11 years.

12 MR. HOGAN: Yes, sir.

13 BOARD MEMBER WASHINGTON: And I noticed you  
14 saying you guys are finally hiring a staff person. Who  
15 worked with the Board the previous five years?

16 MR. HOGAN: I was the administrative source  
17 reduction recycling program that we -- in my previous  
18 position with all the cities to work with the Board in  
19 order for the cities to reach the 50 percent diversion  
20 rate as well as establish new base programs and to  
21 implement all the SREEs that each of the agencies had  
22 adopted. So that was my function.

23 As my alternate function, I was the Director of  
24 Public Works for the City of El Centro. As you know, as a  
25 result of those efforts, the City of El Centro is over the

1 50 percent diversion rate. The County of Imperial is  
2 approximately 70 percent. Several other cities which had  
3 fairly low diversion rates three years ago now have  
4 diversion rates in the high 30s or high 40s.  
5 Unfortunately, there's two cities, Holtville and I believe  
6 it's Westmorland, haven't done nearly as well.

7 BOARD MEMBER WASHINGTON: No. That's correct.

8 Also, do you guys have a consultant on board?

9 MR. HOGAN: Yes, sir. We do. Charles Tenborg  
10 who has been extremely versatile in acquiring hazardous  
11 household facility grants provided by the Board. And  
12 under my direction when I was the Chair -- I'm no longer  
13 the Chair of that Committee -- he put in place a Brawley  
14 facility as well as an El Centro facility. And I believe  
15 right now we're working on Calexico.

16 CHAIRPERSON MARIN: Thank you.

17 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

18 CHAIRPERSON MARIN: Just so you know, Mr. Hogan,  
19 I'm going to be calling Chuck Helget, who is a  
20 representative of Allied Waste.

21 Ms. Mulé.

22 BOARD MEMBER MULÉ: Perhaps we should let Mr.  
23 Helget speak first. That's fine.

24 CHAIRPERSON MARIN: Yes. Thank you.

25 Mr. Helget, it's always a pleasure to see you.

1 Thank you very much for being here. And please make some  
2 comments about the City of Holtville and what you're doing  
3 to improve their diversion rate.

4 MR. HELGET: Thank you, Madam Chair and members  
5 of the Board. If it pleases the Chair, I'll make comments  
6 that probably pertain to both Holtville and Westmorland  
7 and possibly won't have to put up with me two times.

8 Allied Waste is the hauler in Westmorland and in  
9 Holtville. We own and operate the MRF there as well and  
10 Imperial County Landfill. I want to offer several  
11 clarifying comments, first of all regarding the agenda  
12 item, and also regarding comments that have been made  
13 about Allied's efforts to improve diversion in Imperial  
14 Valley and Holtville and Westmorland.

15 As a matter of background, Allied bought the  
16 Imperial County operations in the summer of 2000. At that  
17 point in time, very few diversion activities were ongoing.  
18 Since that time, I think you'll see the diversion programs  
19 have been improved. The MRF -- the operations of the MRF  
20 have increased. I believe the residuals to the end of  
21 2000 at that MRF were around 60 percent. Now they're  
22 around 40 percent, so progress has been made.

23 In discussions with staff, I've also heard that  
24 one of the criticisms of our operations is that we lack  
25 local knowledge. We lack concerns for AB 939 in

1 California and respect for California's laws because we  
2 didn't have local management people from the community for  
3 California. Whether or not that was true in 2003, it  
4 certainly is not true in 2004. We've hired a site manager  
5 and an operations manager from the community. Both those  
6 gentlemen are bilingual and understand the needs of the  
7 community and understand the requirements of California's  
8 laws.

9           An issue regarding mixed paper was raised I think  
10 in the agenda item and processing of mixed paper at the  
11 MRF. I think the statement was that processing of mixed  
12 paper was terminated without notice to local  
13 jurisdictions. Under old management, we processed mixed  
14 paper. That mixed paper was bailed, bundled, and markets  
15 were very hard to find, because it was not a very clean  
16 load.

17           For a four-month period in 2004, we did stop  
18 processing mixed paper. Under the old management, proper  
19 notice was not given to the local jurisdictions, and it  
20 should have been. We recognize that. Under the new  
21 management at that operation, mixed paper is being  
22 processed. It's being separated. Newsprint, magazines  
23 are being bundled together. Junk mail envelopes are being  
24 bundled with the white linen. And we're finding markets.  
25 And I think much better programs in place at the

1 operation.

2           There was also a comment about Christmas trees  
3 being promised to be recycled and not being recycled. And  
4 on one occasion that did, in fact, occur. A landfill  
5 manager made a bad decision. He couldn't find a grinder.  
6 He committed to do that. The trees were disposed of.  
7 That was a mistake. He understands that was a mistake,  
8 and that won't happen again.

9           The other I think significant point that was made  
10 in some of the materials was processing of rebar concrete  
11 and materials from a construction-deconstruction at a  
12 local elementary school. The best of my knowledge, a vast  
13 majority of that material was recycled. It was sent to  
14 the Imperial Valley Irrigation District and used for  
15 erosion control.

16           A small amount of those materials were  
17 landfilled, materials that were not usable for the other  
18 project. And so I'm not exactly sure how much of a  
19 difference it would have made. But those materials, from  
20 what I'm hearing from our people, were not materials that  
21 were suitable for recycling in the first place.

22           Lastly or finally, Madam Chair, members of the  
23 Board, Allied realizes that more can be done and certainly  
24 more will be done in Imperial County and in Holtville and  
25 in Westmorland. We're in the process as well of

1 advertising for a sales position and a recycling manager  
2 in Imperial County, and that person will come from the  
3 County and will be bilingual as well.

4           And, today, one of the major issues that still  
5 remain is the problem that we all have encountered in  
6 Imperial County of cleaning up the curbside program. We  
7 are finding an incredible amount of contamination in the  
8 recycle barrels. One of the things we're doing in the  
9 jurisdictions is bringing in blue barrels so people look  
10 and tell the difference. Sometimes things like that make  
11 a difference.

12           But there are only a certain amount of things  
13 that we can do without local jurisdictions' support. We  
14 are not a police force. And our options are basically to  
15 sticker the load and leave it there. And I don't know  
16 that anybody really wants mixed waste left on the  
17 curbside. So there's a limit to what we can do knocking  
18 on doors. We aren't a police force.

19           So we really would urge the jurisdictions to step  
20 up on their part as well to help us enforce that program.  
21 The only way that we're going to make improvements in the  
22 curbside recycling program is if everybody is working  
23 together and each of us do our part. We're committed to  
24 doing that.

25           Finally, we have urged Ms. Gauthier to pull

1 parties together during her next visit to Imperial County  
2 and let's sit down and start working on how we can improve  
3 the programs and stop possibly the finger pointing. And  
4 let's move ahead. And we're committed to do that.

5           If there are any questions, I'll be happy to  
6 answer those.

7           CHAIRPERSON MARIN: No, Mr. Helget. I appreciate  
8 you being here, because oftentimes, you know, it is not  
9 one party responsible for a program not being successful.  
10 Usually, it takes two to tango. It's usually more than  
11 one individual or one entity.

12           I appreciate the fact that you're both saying the  
13 same thing, the City of Holtville and certainly later on  
14 the City of Westmorland. I appreciate the fact that both  
15 of you are willing to revamp the resources so this  
16 program, in fact, becomes successful. There is no reason  
17 why it cannot be successful. We already know what it  
18 takes. And I appreciate the hiring of more staff, not  
19 just on the side of the industry, your company, but staff.  
20 And I know that Mr. Washington often goes to some of the  
21 cities, and we all do, as a matter of fact, to go in and  
22 ensure that programs get implemented. And so I appreciate  
23 that.

24           We want Allied and Holtville and Westmorland to  
25 be successful. And the reason why we bring all of you

1 here is because we want to ask the question what else can  
2 we do? We know there are certain things that you need to  
3 do as entities, but know we're not leaving you by  
4 yourselves. We're willing to spend resources, certainly  
5 staff resources, Board resources to ensure that you guys  
6 are successful. Because when you do, that's our success.  
7 So I appreciate that.

8 Mr. Hogan, is there anything else that you would  
9 like to add?

10 MR. HOGAN: No. I don't, ma'am. I thank you  
11 very much for the time and the opportunity to present the  
12 information we had.

13 CHAIRPERSON MARIN: Okay. We want you to be  
14 successful, Mr. Hogan. We want the city to be successful.

15 MR. HOGAN: As do we.

16 CHAIRPERSON MARIN: All right. Thank you very  
17 much.

18 Any further comments regarding Holtville? Okay.

19 BOARD MEMBER PEACE: Just one thing. They're  
20 saying contamination of the recyclables is a big problem.  
21 It might be a benefit to hook up the people of Holtville  
22 with the people of Chula Vista who actually have a  
23 Recycling Ranger Program where they go around and look in  
24 the recyclables. And they actually put stickers on. And  
25 like after the third time, after the third notice, they



1 get fined. So if that is a really big problem, maybe you  
2 can hook them up and find out another option to try to  
3 alleviate that problem.

4 CHAIRPERSON MARIN: You know, that's a very good  
5 point. And that is probably something that the City  
6 Manager has in mind for the Recycling Coordinator. Some  
7 enforcement, as Mr. Helget was suggesting, that needs to  
8 take place at the sidewalk. So that's good.

9 You have your work cut out, Tara. Okay.

10 Any further discussion on the City of Holtville?

11 BOARD MEMBER WASHINGTON: Madam Chair, I'd like  
12 to move adoption of Resolution 2005-138.

13 BOARD MEMBER MULÉ: Second.

14 CHAIRPERSON MARIN: Moved by Mr. Washington,  
15 seconded by Ms. Mulé.

16 Without objection, we will substitute the  
17 previous roll call.

18 Next item.

19 BRANCH MANAGER MORALEZ: I'll have Bob contact  
20 Joel Hamby, the Executive Public Works Director for the  
21 City of Westmorland, while Tara Gauthier makes a  
22 presentation on Agenda Item 20, Consideration of a Second  
23 SB1066 Time Extension Application by the Following  
24 Jurisdiction, the City of Westmorland of Imperial County.

25 CHAIRPERSON MARIN: Okay. And what was the name

1 of the City Manager or who's --

2 BRANCH MANAGER MORALEZ: Joel Hamby. He's the  
3 Executive Public Works Director for the City of  
4 Westmorland.

5 CHAIRPERSON MARIN: Okay. All right. Tara,  
6 you're going to make a presentation.

7 MS. GAUTHIER: Yes. Thank you.

8 The City of Westmorland has requested a second  
9 SB1066 time extension through December 31st, 2005. The  
10 City plans to conduct a campaign to reduce curbside  
11 contamination and, if necessary, institute penalties for  
12 contaminated materials; require its hauler to divert  
13 Christmas trees; revise its C&D ordinance reporting forms  
14 to require weight receipts and delivery and destination of  
15 recycled material; to go out with an RFQ in an effort to  
16 improve their recycling services because the City has  
17 challenges in working with their current hauler.

18 And as noted before, there have been separation  
19 of Christmas trees in the past, and the hauler has  
20 disposed of them.

21 Recently, the hauler discontinued mixed paper, as  
22 was discussed in the last discussion as well, and without  
23 informing the City or its customers, adding to the already  
24 high contamination rate.

25 Also, the school separated their rebar from

1 concrete in a 2003 renovation project with the expectation  
2 that the materials would be diverted, but the City found  
3 that the hauler had landfilled it instead of recycling it  
4 at half the cost. However, the previous speaker did  
5 clarify that some of that was utilized as riprap by the  
6 Irrigation District, which was not confirmed in the  
7 previous generation study. So that is news to staff at  
8 this point.

9 Westmorland's hauler's contract ended in October  
10 2004, and the City instituted the RFQ process. The City  
11 expects to have a new contract by early fall. In fact,  
12 all proposals were received Friday, June 10th, and will be  
13 considered at its City Council meeting June 15th.

14 Board staff has determined that the information  
15 submitted in the application has been adequately  
16 documented and recommends the Board approve the time  
17 extension request for the City.

18 And as stated, the City of Westmorland has a  
19 representative, Joel Hamby, Executive Public Works  
20 Director, available at this time via conference call to  
21 answer your questions. This concludes my presentation.

22 CHAIRPERSON MARIN: Thank you, Tara.

23 Is Mr. Hamby on the phone?

24 MR. HAMBY: Yes, Madam Chair. This is Joel Hamby  
25 for the City of Westmorland. Thank you for exercising

1 that technological advantage that you have there of  
2 putting us on via teleconference.

3 CHAIRPERSON MARIN: Okay. I don't know whether  
4 you've been listening to the comments from both the City  
5 of Holtville and the representative Mr. Chuck Helget from  
6 Allied Waste. Were you following the comments?

7 MR. HAMBY: Yes. I've been listening since 9:30,  
8 and I have followed those comments carefully.

9 CHAIRPERSON MARIN: Okay. Some of the things  
10 that I was looking at your application extension talk a  
11 lot about education. As one of the cities with one of the  
12 lowest -- at least from the records that we have, you're  
13 at 18 percent right now. And I read your letter that you  
14 sent. You really believe that you're going to be able to  
15 reach the 50 percent diversion rate?

16 MR. HAMBY: We certainly have the year 2004 yet  
17 between us, and we've gotten all the way to this point in  
18 2005. We will absolutely not be able to achieve that  
19 during those, because those are behind us. We have a hope  
20 that we will be able to do a dramatic improvement when we  
21 have the new hauler contract in place.

22 CHAIRPERSON MARIN: Okay. I know that -- are you  
23 making a decision tomorrow on that? Is your City Council  
24 making a decision on the hauler tomorrow? Is that what is  
25 happening?

1           MR. HAMBY: I have been talking with office staff  
2 there. They had a meeting yesterday to review the  
3 proposals. However, they did not come to a recommendation  
4 at that point. It's anticipated they will have a  
5 recommendation to present to the full Council tomorrow  
6 night, Wednesday night. And as far as I know, they will  
7 select a proponent at that time. And then no later than  
8 September 1st, the new contract will be in place with  
9 whoever the hauler is at that point.

10           CHAIRPERSON MARIN: Okay. You know, you've heard  
11 the comments I made to the City of Holtville. Many of  
12 those comments obviously will be very, very similar, and I  
13 don't want to say them again.

14           But you understand that this Board, our  
15 fulfilling our mandate depends directly to your fulfilling  
16 your mandate. And we want to do everything. I think this  
17 Board has worked diligently with you guys. Some of the  
18 situations that have happened, as Mr. Helget has  
19 suggested, have been rectified.

20           Is it in here whether you're going to hire  
21 anybody in your staff to deal with all of the education  
22 that needs to take place in your community?

23           MR. HAMBY: Currently, we are a member of that  
24 Task Force of which Mr. Hogan from Holtville spoke. We  
25 pay \$10,516 per year dues collected by a \$1.50 recycle fee

1 that's imposed on the residents of our community. And we  
2 accomplish the education mainly through that means. They  
3 have brochures. We do provide them to the community, send  
4 them out in our water billing.

5           And I think the primary thing that will help us  
6 to accomplish the improvement on the recycling end of  
7 things in the residential sector is we have included our  
8 language in our draft contract, for the new hauling  
9 contract, provisions for the hauler to actually monitor  
10 those, and not pick them up, and then to charge an  
11 additional penalty fee for coming back and picking up the  
12 contaminated bin the next day as trash.

13           And we all concurred, even at the Task Force and  
14 with the hauler, that that seems to be the problem area.  
15 We made an effort through the Task Force to try to have  
16 what they call a lid flipper, and that was done I think on  
17 a short term and one of the larger cities. However, it  
18 didn't come to Westmorland. So we still have that  
19 contamination problem. And we believe that by  
20 implementing this penalty for a contaminated bin that we  
21 will probably dramatically and quickly improve that  
22 reduction in contamination.

23           CHAIRPERSON MARIN: I understand some of the  
24 comments that Ms. Peace made regarding other cities. And  
25 it seems to me that in your case you're going to ask the

1 hauler to do that versus your own code enforcement people.

2 MR. HAMBY: That's correct. Our community is  
3 only a population of 2,444 and does not have the resources  
4 to do so. However, in our current contract, I'm sure it  
5 will be in the same language in the new contract, we have  
6 a one-page section that talks about recycle Westmorland.  
7 And in those provisions, it allows the hauler to charge  
8 any additional costs that are incurred for the purpose of  
9 improving the recycling. So I'm sure that will be in the  
10 same contract, and that will be a much more efficient and  
11 effective way for us to get that accomplished.

12 CHAIRPERSON MARIN: Okay. I know Ms. Mulé has  
13 some comments.

14 Ms. Mulé.

15 BOARD MEMBER MULÉ: Thank you, Madam Chair.

16 I have a question for staff. For both Holtville  
17 and Westmorland, can they apply for a rural exemption?

18 MS. GAUTHIER: They could. However, the  
19 jurisdictions in Imperial have for a long time been  
20 committed to forming a regional agency. And I believe  
21 they just met again this month. And, again, all of the  
22 jurisdictions that attended were committed to forming the  
23 regional agency. If they did, they would not be allowed  
24 to claim the rural reduction. However, both Westmorland  
25 and Holtville would be considered rural in our

1 definitions.

2 BOARD MEMBER MULÉ: Right. So you're saying they  
3 recently formed this joint agency?

4 MS. GAUTHIER: The Joint Powers Authority has  
5 existed for quite a period of time, and that's what Steve  
6 Hogan was referring to. However, it is not yet that an  
7 organization that is by definition of the Board a regional  
8 agency.

9 BOARD MEMBER MULÉ: So what you're saying is  
10 eventually they'll all get together and count their  
11 diversion as a JPA, but that's not occurring currently?

12 MS. GAUTHIER: That's correct. That would be the  
13 long term plan and the reason for the formation of the  
14 Regional Agency.

15 BOARD MEMBER MULÉ: Because I heard Mr. Helget  
16 say there are several communities -- or I don't know if it  
17 was Mr. Hogan that said there are several communities that  
18 are beyond 50 percent in Imperial County.

19 MS. GAUTHIER: Yes. The County of Imperial has  
20 an 82 percent diversion rate with its old base year. They  
21 would perform the new base year before the Regional Agency  
22 was formed. The City of El Centro is above 50 percent.  
23 The other cities are all below 50 percent, but some the  
24 largest of the cities are higher. They had a bunch more  
25 accountable diversion than the very smallest cities.



1           BOARD MEMBER MULÉ: And I'm just wondering if  
2 there isn't an allocation issue that's occurring down  
3 there. But I don't know that. I'm just bringing all  
4 these things up.

5           And my point is that there's a number of factors,  
6 and there's a reason why these cities are at 18 percent.  
7 And as I recall in previous Board meetings, we approved  
8 diversion rates for other rural cities that were about 18  
9 to 20 percent. And it's because of the rural nature of  
10 the cities that they are at a lower rate. And we do have  
11 this exemption that is available to them. So I just want  
12 for us to put all this in perspective, keeping in mind  
13 that the jurisdictions are doing everything they can.  
14 They are making that good faith effort to get to  
15 50 percent. So okay. Thank you.

16           And I don't have any questions for you, Julie,  
17 except that I certainly hope that the City is doing  
18 everything they can to put in place the programs that are  
19 going to give them the most diversion they can get. Thank  
20 you.

21           CHAIRPERSON MARIN: Okay. Thank you.

22           Ms. Peace.

23           BOARD MEMBER PEACE: I just want to say, you  
24 know, I wish them luck in their plan here to get to this  
25 extra 32 percent diversion. I just want to say I was very

1 happy to hear that the City has a recycled content  
2 purchasing policy and also that they have laid a RAC road,  
3 which used about one tire per population in their city.  
4 So congratulations on doing that.

5 CHAIRPERSON MARIN: Okay. With that, thank you.  
6 Let me see. I lost my paper here.

7 Mr. Hamby, thank you so very much for taking the  
8 time. We wish you well. And know that we're here and  
9 prepared to work with you and your hauler to ensure that  
10 you succeed.

11 BOARD MEMBER MULÉ: Madam Chair, with that, I'd  
12 like to move Resolution 2005-139.

13 BOARD MEMBER WASHINGTON: Second.

14 CHAIRPERSON MARIN: Moved by Ms. Mulé, seconded  
15 by Ms. Peace.

16 Without objection, we will substitute the  
17 previous roll call.

18 Okay. We're going to go into Item Number 21, and  
19 then we're going to break for lunch. Okay.

20 BRANCH MANAGER MORALES: Madam Chair, I'll ask  
21 Bob Davila to go ahead and contact Gary Bird, who is  
22 representing the City of Eureka. His title is the Special  
23 Projects Manager.

24 And on Item Number 21, the Board did ask two of  
25 the Cities not present at the Committee meeting to be

1 present, the City of Eureka and Yuba-Sutter Regional Waste  
2 Management Authority. Kyle Pogue will make the staff  
3 presentation on this item.

4 MR. POGUE: Good afternoon.

5 CHAIRPERSON MARIN: What is your name, sir, for  
6 the record?

7 MR. POGUE: Kyle Pogue from the Office of Local  
8 Assistance.

9 The Yuba-Sutter Regional Waste Management  
10 Authority and the City of Eureka have requested second  
11 time extensions through December 31st, 2005. The  
12 Yuba-Sutter Regional Waste Management Authority plans to:  
13 Enhance the residential recycling programs.

14 And I imagine Keith was jumping back there when  
15 he heard about the flipping the lids program. That's  
16 something he can address here on contamination rates.

17 To expand the construction and demolition  
18 recycling program at the material recovery facility; and  
19 expand the commercial on-site collection program; and  
20 increase the flow of wood waste biomass.

21 The City of Eureka plans to: Coordinate  
22 development of a regional composting facility, and a  
23 program for composting City zoo waste and City parks green  
24 waste; to implement a mandatory curbside collection  
25 program; to develop a new processing facility for

1 recyclables; and expand its buy-back and drop-off

2 facility; and to expand business waste audits.

3 Board staff has determined that the information  
4 submitted in these applications is adequately documented.

5 Thus, Board staff is recommending that the Board approve  
6 these time extension requests. Representatives from the  
7 Yuba-Sutter Regional Waste Management Authority and also  
8 from the City of Eureka are available to answer any  
9 questions. If possible, maybe we could lead off with Gary  
10 Bird from the City of Eureka. I think he's on the  
11 conference call. Thank you.

12 CHAIRPERSON MARIN: Thank you, Mr. Pogue. I  
13 actually knew what your name was.

14 Is Mr. Bird on the line with us?

15 MR. BIRD: Yes. Madam Chair Marin, I'm here.

16 CHAIRPERSON MARIN: Thank you very much for  
17 joining us through the wonders of satellite technology.

18 Mr. Bird, is there anything that you would like  
19 to state? I'm sure you have been hearing the comments and  
20 the concerns. You're in a little bit different position.  
21 You're in a far better position than the previous cities  
22 that we've been dealing, but you're not quite there. And  
23 is there something that you would like to state for the  
24 record?

25 MR. BIRD: Yes. Thank you. And I would share

1 your disappointment in not being at 50 percent.

2 But, first, I do want to thank you for the  
3 opportunity to address the Board and hear your concerns  
4 and also would like to thank your staff for providing us  
5 assistance and guidance and for the Board in providing us  
6 with the staff resources.

7 As you I'm sure know, the staff is currently at  
8 38 percent. We continue to take steps to increase that  
9 diversion rate, and we're hopeful that the rate will  
10 continue to increase as it has done for the past five  
11 years. In 1999, we were roughly at 20 percent. So we  
12 have progressed.

13 But as I mentioned, we are disappointed with our  
14 slow progress over the last couple of years, and it's  
15 disappointing given the number of programs we do run and  
16 improvements we already have made, and also given the hard  
17 work of the local advocates and experts that the City  
18 partners with in assisting us with implementing our  
19 programs. We truly believe we have made a good faith  
20 effort to increase our diversion rates, and we're  
21 committed as a city to continue working hard at it.

22 Some of the programs we do run. We have a  
23 curbside collection program. We have neighborhood drop  
24 sites. We have three buy-back facilities. We have an  
25 extensive public education and outreach program where we

1 go into the elementary schools, the middle schools, and  
2 the high schools and essentially provide lesson plans for  
3 the kids. And the kids take literature home to their  
4 parents for further education.

5 We have a procurement ordinance for City Hall and  
6 the City workers. We have a subsidized backyard  
7 composting bin program, and a number of other programs  
8 that help us achieve the rate.

9 What we have planned to get us to the 50 percent  
10 diversion rate are basically three programs. We've  
11 identified that we really need to have a regional  
12 composting facility. And we are working with a couple of  
13 local interests in having that done.

14 The other barrier that we're facing is we do not  
15 have a universal mandatory collection ordinance. We have  
16 a City Council person, finally, that is willing to carry  
17 the torch with that. And so we're proceeding with that.  
18 And our hauler is providing us with cost estimates and a  
19 different menu of options that we can go by in taking that  
20 to the Council.

21 The last thing is we need to expand our  
22 processing facility. And this will enable us to handle  
23 more tonnage. Our current processing facility is quite  
24 overburdened. And, fortunately, we have a local nonprofit  
25 agency who has secured funding and is in the permit

1 process now to build pretty much a state-of-the-art  
2 facility near Eureka, which is a dual stream system. And  
3 this will tie into what we are hoping to do with our  
4 mandatory collection, which will give each resident in  
5 Eureka a dual stream recycling container. And it will fit  
6 right into the new processing facility.

7           So those are the things that we're doing  
8 currently. And I can tell you that our City Council is  
9 aware of where we're at with our diversion rate. Through  
10 our City Manager's Office we have budgeted for an  
11 additional recycling person. I'm the only person working  
12 with the City and the Recycling Coordinator working out of  
13 the City Manager's Office.

14           So that will go before the Council within the  
15 next month or so to allocate additional staffing levels to  
16 assist us. I'm happy to answer any questions you may  
17 have.

18           CHAIRPERSON MARIN: Thank you, Mr. Bird. I  
19 really appreciate it.

20           I know for the industry, I know Rosalie wanted to  
21 say something, because I know you have worked with so many  
22 jurisdictions, and I thought you wanted to say something.

23           BOARD MEMBER MULÉ: Gary, I was just surprised  
24 to -- well, I'm pleased to hear that you're going to  
25 implement a mandatory collection ordinance. Because

1 looking at your numbers here, your non-residential waste  
2 stream makes up two-thirds of your total waste stream.  
3 And I think that's a good area to focus on. I think with  
4 the mandatory collection and recycling program, that's  
5 going to help quite a bit.

6 The other area I'm pleased to see is that you're  
7 going to be working with the commercial sector to increase  
8 commercial recycling programs there.

9 CHAIRPERSON MARIN: Any further questions or  
10 comments for the City of Eureka?

11 Okay. The only thing and, lastly, hopefully you  
12 have been following some of the comments with the previous  
13 cities. But we really, really cannot emphasize enough how  
14 much we want you to be successful. And so we have  
15 provided a lot of staff support, technical assistance. If  
16 you need more, our staff will be willing to do that. But  
17 we hope that with the programs and the curbside recycling  
18 that you will be able to achieve your mandate. So thank  
19 you very much. And we want you to be successful.

20 MR. BIRD: Well, I thank you, Madam Chair. And I  
21 can't emphasize enough what a pleasure it is working with  
22 your staff. We do work with a number of State agencies,  
23 and your staff is always most helpful and right on the  
24 mark heading us in the right direction. So thank you.

25 CHAIRPERSON MARIN: Does that include Kyle Pogue?



1           MR. BIRD: Sure. No, it does not include Kyle  
2 Pogue. It does include Jill Simmons and Steve Storelli.

3           MR. POGUE: Two wonderful people.

4           CHAIRPERSON MARIN: Thank you. Thank you. We  
5 like to give him a hard time. He's a wonderful man. So  
6 thank you, Kyle.

7           MR. POGUE: Once you stop giving me a hard time,  
8 I know there's problems.

9           I want to point out that Keith Martin from the  
10 Yuba-Sutter Regional Waste Management Authority is here.

11          CHAIRPERSON MARIN: He is here.

12          We so appreciate you being here.

13          Thank you, Mr. Bird. You can go on and start  
14 recycling now.

15          MR. BIRD: Thank you.

16          CHAIRPERSON MARIN: Thank you very much for  
17 taking the time to be here with us. And we really  
18 appreciate it.

19          MR. MARTIN: Madam Chair, my name is Keith  
20 Martin. I'm the Administrator for the Regional Waste  
21 Management Authority for Yuba and Sutter Counties and the  
22 four cities they're in. And just wanted to ask again as  
23 we have in our staff report and in our request that you  
24 extend another two years to our time extension for  
25 compliance.

1           The Yuba-Sutter area has undergone a complete  
2 metamorphosis in terms of solid waste management recycling  
3 over the last five to eight years. We used to have a  
4 system that whatever you pushed to the curb would be  
5 picked up, regardless of what it was, just about. And at  
6 one low price. And we've gone from that type of system to  
7 a variable can rate system. We've adopted management  
8 collection ordinances. We have implemented a curbside  
9 recycling program, curbside compost program. And we have  
10 been enforcing that over the last couple of years in a  
11 great way.

12           And it was one of the discussions we heard today  
13 about enforcement. We do believe in enforcement. It took  
14 a while for our Councils and Board to feel the same way.  
15 But we have seen a real progress in that regard. And we  
16 do believe that over the next period of time we will be  
17 able to reach our 50 percent diversion figure. It's not  
18 without a lot of effort, and we have seen that take place  
19 over the last few years in our jurisdictions.

20           I would be happy to answer any questions you  
21 might have.

22           CHAIRPERSON MARIN: Well, thank you very much for  
23 coming again. And, you know, once we've gone through this  
24 with so many cities, you've heard the same thing. We will  
25 all be saying exactly the same thing to you. And we want

1 you to do as much as you can. Aside from the fact it's  
2 the law, it's the right thing to do. We're prepared to  
3 help you and to work with you. But we do need to speed up  
4 this process. We want you to achieve that as soon as  
5 possible.

6 MR. MARTIN: And we agree.

7 CHAIRPERSON MARIN: Okay. Any questions for  
8 Mr. Martin? No.

9 Okay. Go out and do the world good.

10 Okay. Tara, any further discussion that --  
11 Mr. Morales? Nothing.

12 Is there a motion?

13 BOARD MEMBER MULÉ: I'd like to move Resolution  
14 2005-140.

15 BOARD MEMBER PEACE: Second.

16 CHAIRPERSON MARIN: Moved by Ms. Mulé. Seconded  
17 by Ms. Peace.

18 Without objection, we will substitute the  
19 previous roll.

20 And this will be a good time to break. We will  
21 go into closed session. We will come back at 2:00, an  
22 hour and a half. Would that be enough, Marie?

23 CHIEF COUNSEL CARTER: Yes. I believe so.

24 And I also have to make the announcement about  
25 how we're going into closed session.

1 CHAIRPERSON MARIN: That's why I called upon you.

2 Ms. Carter.

3 CHIEF COUNSEL CARTER: We'll be going into closed  
4 session under Government Code Section 11126(e).

5 CHAIRPERSON MARIN: Okay. We will see you back  
6 at 2:00.

7 (Thereupon a lunch recess was taken.)

8 CHAIRPERSON MARIN: Is everybody ready to start?

9 Do you have to call the roll? We're ready to go.

10 EXECUTIVE ASSISTANT BAKULICH: Mulé?

11 BOARD MEMBER MULÉ: Here.

12 EXECUTIVE ASSISTANT BAKULICH: Peace?

13 BOARD MEMBER PEACE: Here.

14 EXECUTIVE ASSISTANT BAKULICH: Washington?

15 BOARD MEMBER WASHINGTON: Here.

16 EXECUTIVE ASSISTANT BAKULICH: Marin?

17 CHAIRPERSON MARIN: I'm here.

18 And I know everybody was in closed session. I  
19 don't know if there are any ex partes from anybody.

20 BOARD MEMBER WASHINGTON: Yeah. John Cupps.  
21 Just a few minutes ago, I talked to John.

22 CHAIRPERSON MARIN: Mr. Juan.

23 Okay. Before we proceed with very important  
24 things, we need to do something real important. Because  
25 we just don't know, we just might have a baby today.

1           Tiffany, on behalf of the Board, we want to show  
2   our appreciation in more ways than one. And we have a  
3   very small token of our appreciation for your baby girl  
4   that hopefully will be due any time after 4:30 today. And  
5   we'd like to present to you a \$100 savings bond for your  
6   baby so she's ready to go to college.

7           You also get a diploma and a certificate for  
8   being the court reporter that can go the longest without a  
9   break, even while she's pregnant, which is amazing. Thank  
10   you very much. We wish you a lot of -- what do you wish  
11   somebody who's pregnant? Little pain. A healthy  
12   delivery.

13           Okay. We'll move on to very important things  
14   now. Who is the next person? Actually, Ms. Mulé will  
15   give a small report.

16           BOARD MEMBER MULÉ: Thank you, Madam Chair.

17           At our Permitting and Enforcement Committee  
18   meeting on July 6th, we heard eight items. We had one  
19   landfill closure loan, which will be heard. It's a fiscal  
20   consent item.

21           There are two rules packages that went on the  
22   consent agenda. One was the long-term gas violations, and  
23   the second was the RD&D permits regulations.

24           We had a Committee-only status report on AB 1497  
25   regulations development.

1           We will be hearing for fiscal consent a grant  
2   award for Farm and Ranch Grant Cleanups.

3           Fiscal consent for new projects for Disposal and  
4   Codisposal Site Cleanup Program.

5           And two items that will be heard by the full  
6   Board are Consideration of Augmentation of the  
7   Environmental Services Contract and then Consideration of  
8   the Scoring Criteria for the Disposal and Codisposal Site  
9   Cleanup Grants.

10          And that concludes my report, Madam Chair.

11          CHAIRPERSON MARIN: Thank you.

12          So that leads us to Mr. Howard Levenson.

13          DEPUTY DIRECTOR LEVENSON: Thank you, Madam  
14   Chair, and good afternoon, Board members. I'm Howard  
15   Levenson, Deputy Director for the Permitting and  
16   Enforcement Division. And I'll go ahead and handle the  
17   first few items which are on fiscal consent.

18          Item 26 is Consideration of Approval of Landfill  
19   Closure Loan Program Loan. That's out of the IWMA for  
20   fiscal year 2004-2005. And as you know, the Board is  
21   authorized to award interest-free loans to operators of  
22   unlined older landfills that desire to close early.

23          This year, we had for the first time an  
24   appropriation for this loan program in the amount of  
25   \$640,000. And in April, you approved a first loan to the

1 City of Portola for \$168,000. That left \$472,000  
2 remaining in the account.

3 At that time we had two other applicants, County  
4 of Imperial and also the County of Tuolumne. And you  
5 directed staff to work with those applicants and bring it  
6 back for further consideration.

7 The County of Imperial decided to withdraw its  
8 application, but we continue to work the County of  
9 Tuolumne on their closure of the Jamestown Landfill. And  
10 they are ready to proceed, and we are ready to recommend  
11 funding with the remaining funds in the account, a  
12 \$472,000 loan for closure of the Jamestown Landfill.

13 So with that, staff recommends that you approve  
14 the loan application and adopt Resolution 2005-145.

15 CHAIRPERSON MARIN: Okay. Is there any further  
16 discussion on this item?

17 BOARD MEMBER WASHINGTON: Madam Chair, I'd like  
18 to move adoption of Resolution 2005-145.

19 BOARD MEMBER MULÉ: Second.

20 CHAIRPERSON MARIN: Moved and seconded.

21 Call the roll, please.

22 EXECUTIVE ASSISTANT BAKULICH: Mulé?

23 BOARD MEMBER MULÉ: Aye.

24 EXECUTIVE ASSISTANT BAKULICH: Peace?

25 BOARD MEMBER PEACE: Aye.

1 EXECUTIVE ASSISTANT BAKULICH: Washington?

2 BOARD MEMBER WASHINGTON: Aye.

3 EXECUTIVE ASSISTANT BAKULICH: Marin?

4 CHAIRPERSON MARIN: Aye.

5 Okay. Item 31.

6 DEPUTY DIRECTOR LEVENSON: Yes, ma'am.

7 Item 31 is Consideration of the Grant Awards for  
8 the Farm and Ranch Solid Waste Cleanup and Abatement Grant  
9 Program. This is for fiscal year 2004-05 out of the Farm  
10 and Ranch Cleanup Account.

11 This item requests your approval of seven grants  
12 totaling \$387,588.45 for the fourth quarter of fiscal year  
13 2004-05 for the Farm and Ranch Solid Waste Cleanup and  
14 Abatement Grant Program. If you approve these grants, the  
15 program has been fully subscribed for the second fiscal  
16 year in a row since its inception about five years ago.

17 These grants would go to Monterey County, Trinity  
18 County, and Upper San Luis Rey Resource Conservation  
19 District, the Mendocino Solid Waste Management Authority,  
20 and Humboldt, Sonoma, and Imperial Counties.

21 On July 14th, 2004, the Board approved the  
22 revised grant scoring criteria and evaluation process for  
23 this program. Staff received the applications and have  
24 scored them, and all of these applications qualify with  
25 passing scores.



1           So with that, staff recommends that you approve  
2 the proposed awards and adopt Resolution Number 2005-149.  
3 And we have staff in the audience if you have any  
4 questions about particular applications.

5           CHAIRPERSON MARIN: We discussed this at length  
6 in Committee. I don't know, unless there are any  
7 questions.

8           Is there a motion?

9           BOARD MEMBER WASHINGTON: Madam Chair, just a  
10 brief comment. I'm delighted to see that the agency is  
11 stepping up on illegal dumping. And I hope these  
12 jurisdictions when their meetings start taking place and  
13 things like that they participate in those meetings. It's  
14 a delight to see we're moving forward with dealing with  
15 illegal dumping in the state of California.

16          CHAIRPERSON MARIN: Okay. Do I consider that  
17 your motion?

18          BOARD MEMBER WASHINGTON: That's a motion. I  
19 move adoption of Resolution 2005-149.

20          BOARD MEMBER MULÉ: Second.

21          CHAIRPERSON MARIN: Moved by Mr. Washington.  
22 Seconded by Ms. Mulé.

23          Call the roll, please.

24          EXECUTIVE ASSISTANT BAKULICH: Mulé?

25          BOARD MEMBER MULÉ: Aye.

1 EXECUTIVE ASSISTANT BAKULICH: Peace?

2 BOARD MEMBER PEACE: Aye.

3 EXECUTIVE ASSISTANT JIMENEZ: Washington?

4 BOARD MEMBER WASHINGTON: Aye.

5 EXECUTIVE ASSISTANT BAKULICH: Marin?

6 CHAIRPERSON MARIN: Aye.

7 Item 32.

8 DEPUTY DIRECTOR LEVENSON: Item 32 was also on  
9 fiscal consent. This is Consideration of New Projects for  
10 the Solid Waste Disposal and Codisposal Site Cleanup  
11 Program, Fiscal Year 2004-05, this time with monies from  
12 the Solid Waste Disposal Trust Fund. This is part of our  
13 ongoing program for solid waste cleanup projects.

14 We received applications for two new grants and  
15 are also bringing to you one new Board-managed project  
16 pursuant to the program. Table 1 in your item provides  
17 general information on these projects. One would be a  
18 matching grant of \$750,000 for the Los Angeles River Trash  
19 Exclusion Project.

20 There would be a second matching grant of  
21 \$661,712 for the Santa Ynez Airport Landfill, which would  
22 be mitigating off-site gas migration.

23 And then the third would be a Board-managed  
24 cleanup project for approximately \$150,000 at the Poe  
25 Colonia Disposal Site.

1           There was an issue raised at the Committee about  
2 single applicants receiving multiple awards in different  
3 cycles or different years. And at the Committee meeting,  
4 we did discuss this was something that could be brought up  
5 in Item 35, which we have done and will bring to your  
6 attention during that item. But I wanted to acknowledge  
7 that was part of the Committee discussion.

8           Unless you have any questions about these, I  
9 recommend that you approve the proposed grants and the  
10 project and adopt Resolution Number 2005-150 Revised.

11           CHAIRPERSON MARIN: Thank you, Howard.

12           Are there any questions? We also spent a lot of  
13 time talking about this during the Committee meeting.

14           BOARD MEMBER MULÉ: Madam Chair, I'd like to move  
15 Resolution 2005-150 Revised.

16           BOARD MEMBER WASHINGTON: Second.

17           CHAIRPERSON MARIN: Okay. Moved and seconded.

18           Call the roll, please.

19           EXECUTIVE ASSISTANT BAKULICH: Mulé?

20           BOARD MEMBER MULÉ: Aye.

21           EXECUTIVE ASSISTANT BAKULICH: Peace?

22           BOARD MEMBER PEACE: Aye.

23           EXECUTIVE ASSISTANT BAKULICH: Washington?

24           BOARD MEMBER WASHINGTON: Aye.

25           EXECUTIVE ASSISTANT BAKULICH: Marin?

1           CHAIRPERSON MARIN:   Aye.

2           DEPUTY DIRECTOR LEVENSON:   Just as follow up on  
3 that, I want to note that these are all very worthy  
4 projects that when we get going will be worthy of some  
5 publicity for the Board, particularly the Poe Colonia  
6 site, which is a low income neighborhood outside of the  
7 outskirts of Brawley. But all the projects are good ones  
8 and worthy of attention.

9           CHAIRPERSON MARIN:   Thank you, Howard. Okay.  
10 That leads us to Item Number 33.

11          DEPUTY DIRECTOR LEVENSON:   I think we need a  
12 moment for set up.

13          This is Item 33, as you know, is Consideration of  
14 the BKK Landfill, Los Angeles County, for the Solid Waste  
15 Disposal and Codisposal Site Cleanup Program.

16          We've spoken to you several times over the last  
17 year about issues related to BKK, including the  
18 postclosure activities being conducted by the Department  
19 of Toxic Substances Control at the Class I site, the  
20 emergency response for the gas monitoring, and leachate  
21 control plant that we talked to you about in April when we  
22 were considering assisting DTSC as well. And now we are  
23 here to talk to you about closure of the Class III site.

24          In September of 2004, the operator of the  
25 landfill, BKK, announced they didn't have funds available

1 to cover the shortfall between closure costs and the  
2 financial assurance mechanism. As a result, closure  
3 activities ceased temporarily in November.

4 This item is designed to discuss options for your  
5 consideration for dealing with this situation and to  
6 propose a possible solution. Scott Walker will be making  
7 the initial presentation, and I know that we have  
8 representatives of the City of West Covina here as well.

9 CHAIRPERSON MARIN: Hi, Scott.

10 (Thereupon an overhead presentation was  
11 presented as follows.)

12 BRANCH MANAGER WALKER: Scott Walker, Permitting  
13 and Enforcement Division. Howard gave a good  
14 introduction, and so I'll just --

15 --o0o--

16 BRANCH MANAGER WALKER: Trying to get used to  
17 this new video system here.

18 Just to briefly recap the background on this  
19 site, as Howard mentioned, in April, we provided a pretty  
20 thorough update and analysis of some of the issues going  
21 on at the site. But the landfill is within the city  
22 limits of West Covina and is co-owned and operated by the  
23 BKK Corporation.

24 There are two landfills on the site, a codisposed  
25 hazardous waste and municipal solid waste Class I area,

1 and a municipal solid waste Class III area. The Class I  
2 area operated until 1987 and was certified closed in 1991.  
3 The Class III area operated from 1987 to 1996. Partial  
4 closure plans were implemented such that about half the  
5 site was closed by 2001. Full final Class III area  
6 closure-postclosure plans were approved in 2002 after  
7 certification by the City of an environmental impact  
8 report. The final plans in the EIR address the remaining  
9 closure and postclosure activities and redevelopment by  
10 the City of adjacent parcels split off from the property  
11 boundary.

12 And, again, DTSC began emergency response actions  
13 in November 2004 after notification that because of  
14 deteriorating financial conditions, BKK would no longer  
15 perform those essential operations, which include the  
16 leachate treatment plant and the gas control system, which  
17 is shared by both the Class I and Class III areas. DTSC  
18 also is continuing enforcement action against identified  
19 potentially responsible parties for them to take over all  
20 operations related to the Class I as soon as possible. As  
21 mentioned in the introduction, the Board meeting Item 29  
22 in April summarized emergency storm drain project issue  
23 and project by DTSC which is currently in progress and is  
24 not expected to need additional Board funding assistance  
25 other than proposed in this item.

1                               --o0o--

2               BRANCH MANAGER WALKER:   The closure status of the  
3 Class III area.  Again, to briefly recap, in 2004 BKK  
4 contracted out the remaining closure work, and the City  
5 contracted out a rough grading project for redevelopment.  
6 The same contractor was selected by both parties and the  
7 projects are interrelated.

8               The Board was notified in September of 2004 the  
9 cost estimates for completing the closure were a lot  
10 higher than covered in the insurance policy financial  
11 assurances mechanism on the order of \$3 million.  Closure  
12 activities subsequently ceased, and a Notice and Order was  
13 issued by the local enforcement agency.

14              Staff have worked extensively with BKK, the LEA,  
15 the Regional Water Quality Control Board, and the City to  
16 come up with approved revised plans in February of 2004  
17 and an updated financial mechanism, which is being  
18 converted to an escrow account controlled by the Board  
19 whereby the insurance company makes deposits into that  
20 account so contractors can be paid on a more timely basis.

21              And in this revised plan, the approach was for an  
22 interim scaled-back project that would comply with Title  
23 27 closure standards such that the site could be certified  
24 closed, go into postclosure, and access the financial  
25 assurances mechanism using the available funding.  And

1 these revised plans do not relieve BKK of their  
2 obligations to the City for other obligations related to  
3 the development.

4           If BKK fails to complete closure and the Board is  
5 then expected to take over the closure and postclosure, as  
6 we reported in April, it will be significantly more  
7 expensive and resource intensive and take much longer to  
8 complete.

9           The status of the Class III area closure has  
10 continued to be more complicated given some recent  
11 developments, including an April 26th letter from the City  
12 to the Board which the City notified the Board that they  
13 reserve the right to retain soil from City-owned lots  
14 unless the minimum obligations of BKK to the City beyond  
15 Title 27 standards are met.

16           And the second is May 18th letters from the  
17 contractor to both the City and to BKK indicating concerns  
18 with the capability of both parties to perform their part  
19 of the contracts and also some additional cost escalation  
20 factors, including the desire to shift from a lump sum  
21 basis to a time and materials basis.

22           And then the third is the Phase D area erosion  
23 damage for the emergency repairs being implemented by  
24 DTSC, that's not within the DTSC's Scope of Work. They  
25 are required to have within their Scope of Work just items



1 related to the Class I and not totally within the Class  
2 III. So that remains an issue that we are attempting to  
3 address in this item.

4 --o0o--

5 BRANCH MANAGER WALKER: This slide shows some  
6 major features. Just to note that the city redevelopment  
7 lots show the golf course was one of their main proposals.  
8 They're going to give you more description of what they're  
9 doing. But this just shows you basically what it is. And  
10 the portion of the golf course proposed to be directly on  
11 the Class III area, the Phase E. Also the commercial  
12 development area and the Big League Dreams, which now is  
13 kind of on hold based on some recent decisions. The golf  
14 course would be under a lease arrangement, the portion on  
15 top of the landfill between the City and BKK.

16 Interrelation of the redevelopment and the Class  
17 III closure, essentially, the soil that's required to be  
18 cut from the City-owned lots is required -- you need a  
19 place to take that soil, for one thing. And the landfill  
20 for final cover needs soil, so the soil is balanced, would  
21 use as the final cover. So they're interrelated.

22 In addition, the monitoring and control systems  
23 have to be moved with the boundary that's now -- with this  
24 change in boundary closer to the landfill. The closure  
25 cost issue was initially addressed primarily by reducing

1 some of the landscaping with shift of irrigation cost  
2 savings to closure.

3 Many of the required obligations of BKK to the  
4 redevelopment were addressed, but not the full project  
5 required by the City. The main item that's remaining  
6 deficient is not enough funding identified, approximately  
7 \$450,000 including contingency for an additional 2.5 feet  
8 of vegetative layer soil on Phase E that's required for  
9 the golf course development. The Water Board for minimum  
10 standard purposes for non-irrigated open space requires a  
11 five foot minimum.

12 The revised plan also includes just a minimal  
13 contingency of approximately \$67,000. And even if the  
14 additional vegetative layer was not to be constructed, it  
15 is unlikely now that the minimum standard closure,  
16 including those Phase D emergency repairs, can be  
17 completed without an additional funding source.

18 --oOo--

19 BRANCH MANAGER WALKER: Just a collage of photos  
20 of the Phase D area, erosion damage. Going clockwise, you  
21 can see the deep gully due to the incomplete construction  
22 of the storm drain system and the cover. Second slide  
23 shows exposed trash in that area. And then the third  
24 shows ponding due to the inadequate grading and incomplete  
25 drainage system. And then the final shows some of the

1 undermining of some of the gas header lines adjacent to  
2 the Phase D area that have been caused by the lack of  
3 completion of this area.

4 Another thing is the gas extraction system is  
5 disconnected to a large part in this area, and that  
6 contributes to the potential threat due to gas migration.  
7 And this area is also adjacent to the leachate and gas  
8 treatment plants, which could be damaged and access  
9 compromised if the problem is not corrected.

10 --o0o--

11 BRANCH MANAGER WALKER: Board options in this  
12 item, Cleanup Option A would essentially consist of a  
13 Board-managed remediation of the Phase D area erosion  
14 storm drain and erosion issue not covered by DTSC done in  
15 accordance with the final closure final cover standards  
16 for minimum standards. And up to \$1.2 million has been  
17 identified that we recommend to be applied to those  
18 portions, if necessary, to complete the closure.

19 Option A would free up potential contingency  
20 funding that would allow for BKK to complete the Class III  
21 closure in accordance with State minimum standards. So it  
22 would allow for that, dealing with some of these cost  
23 issues.

24 Cleanup Options B through D we could discuss if  
25 requested by the Board, but they were also evaluated. We

1 could go into those if asked.

2 --o0o--

3 BRANCH MANAGER WALKER: Staff recommendation, I'd  
4 like to first point out that we understand that the  
5 City -- we have been recently advised by the City that the  
6 issue of the cover soil from their April 26th letter is  
7 now off the table, so to speak. So we've provided a  
8 revised Resolution reflecting this development. And  
9 copies of this revised Resolution are available in the  
10 back of the room.

11 So in conclusion, staff recommends adoption of  
12 Resolution 2005-151 Revised, approving Option A pursuant  
13 to the Solid Waste Cleanup Program. Cost recovery would  
14 be pursued against BKK, and the Board would reserve its  
15 right to pursue cost recovery against other PRPs with the  
16 exception of the City. And this is also conditional on  
17 the City, BKK, and contractor commitment to proceed with  
18 the closure project on an expeditious basis so it can be  
19 completed in 2005.

20 That concludes staff's presentation. We are  
21 available to answer questions. And I understand that the  
22 City now also has a presentation they would like to  
23 present.

24 CHAIRPERSON MARIN: Thank you, Scott.

25 There are three people from the City that would

1 like to speak to us. So I'm going to call first Shelly  
2 Sanderson. Thank you so very much for being here with us.

3 MS. SANDERSON: Thank you for allowing us to be  
4 here. This is a great honor to be in front of you. My  
5 name is Shelly Sanderson. I'm the Mayor of the City of  
6 West Covina. Good afternoon, Madam Chair and members of  
7 the Board. Again, thank you for allowing me to be here  
8 today.

9 I felt it was important to be here. This is an  
10 issue that effects us all. I appreciate you seeing this  
11 item. And my colleague, Councilmember Miller, is here  
12 well, and our staff. This was something that we felt was  
13 very, very important.

14 I believe we do need to work together to  
15 represent our constituents and to keep costs down for all  
16 of us, possible federal funding, and we can look into that  
17 as well. Proper closure of the largest privately-owned  
18 landfill in the country is critical. For 40 years, this  
19 landfill has been a major negative for residents concerned  
20 with safety and blight. West Covina has spent millions of  
21 tax dollars remediating this landfill to turn a negative  
22 into a positive for our families. As a mother of three  
23 boys being raised in West Covina, I find proper closure is  
24 a must for our community.

25 I believe our main objectives here today, one

1 being the closure per our 1997 approved closure plan; and  
2 two, to remove the blight for our residents and what  
3 they've been promised.

4 I just again wanted to let you know I'm here if  
5 there's any questions of us. And we just want to let you  
6 know this does mean a lot to us. And I welcome all of you  
7 to come to West Covina and to see the site and to see what  
8 West Covina has been faced with. Again, thank you for  
9 your time and all your considerations.

10 And with that, I'd like to introduce our Special  
11 Legal Counsel, Environmental Counsel, Mr. Colin Lennard.

12 CHAIRPERSON MARIN: Thank you, Mayor, for being  
13 here. We really appreciate it. And you have at least two  
14 people here that have been in an elected position. And we  
15 appreciate the time when elected members of cities take  
16 the time. It clearly shows your commitment to your  
17 community and the desire to work together with this Board.

18 And I've worked with Mr. Miller. I've known him  
19 for a long time. We appreciate your presence here, and we  
20 are confident we can come to a Resolution. Thank you very  
21 much, both of you, for being here.

22 Mr. Lennard.

23 (Thereupon an overhead presentation was  
24 presented as follows.)

25 MR. LENNARD: Madam Chair, members of the Board,

1 thank you again for letting us make this presentation. As  
2 the Mayor has said, this is an extremely important item to  
3 the city. It is something that the city has lived with  
4 for 40 years. And we're still battling, so to speak.

5 What I'd like to do first and make sure I can  
6 work this --

7 --o0o--

8 MR. LENNARD: There we go.

9 That is just an overall view of the city. And if  
10 you look down to the bottom portion in the center, you'll  
11 see the outlines of the BKK facility. This is just to  
12 give you an idea that it really is a 583-acre landfill  
13 smack in the center of a city well over 100,000 in  
14 population.

15 --o0o--

16 MR. LENNARD: If we go to the next slide, this  
17 gives you I think a little bit better idea of where the  
18 BKK Landfill is and what it contains. Your staff put up a  
19 slide that also showed exactly the same thing. And what  
20 I'd like to do is just to outline the areas with my  
21 pointer if I can. What we have here is the Class I  
22 facility. That has been closed. It is in postclosure  
23 now. There are additional items that still have to be  
24 done by EPA, an expenditure probably of well over \$200  
25 million with no financial assurances to cover that cost.

1           By the side, you have the 167-acre Class III  
2 landfill. The landfill, as staff correctly stated, is  
3 closing. It is not closed at the present time. And we  
4 are essentially waiting for it to be closed. We believe,  
5 as the Mayor has said and as staff has said, that we have  
6 two primary objectives: Number one, to see the landfill  
7 closed; and number two, to see that the blight is removed  
8 from the community.

9           I also think this slide shows graphically when we  
10 say the blight removed from the community, all of you can  
11 see the tremendous housing activity right up against the  
12 landfill, and especially all the way around the Class III  
13 where my pointer is showing down here and also on the  
14 other side of Azusa a major highway where the houses and  
15 apartments essentially look at the Class III landfill.

16           In the late 1990s, BKK was looking to develop  
17 what we call the 100-acre parcel. The 100-acre parcel is  
18 the parcel that essentially is adjacent to Azusa, the  
19 major thoroughfare there. And they wanted to essentially  
20 raise additional money by selling this land and having it  
21 developed for industrial buildings. They were unable to  
22 do it. They tried for a number of years to sell it. They  
23 couldn't. It stayed there, and the plans stayed there as  
24 well.

25           As we went further on in 2001, the City Council,



1 faced with the fact there was absolutely nothing they  
2 could do with the Class I -- we're not permitted to place  
3 anything on top of the Class I deck for obvious reasons.  
4 They essentially want to try to see if they could mitigate  
5 the eyesore and blight to the community. And after a  
6 number of sessions with the City Council and with staff,  
7 they decided that the only thing they could do is to take  
8 action themselves and essentially acquire the 100-acre  
9 parcel.

10 Now, the 100-acre parcel which they wanted to  
11 acquire and did, in fact, acquire, they wanted to use as  
12 the basis for a Brownfield project to develop not only  
13 essentially recreational purposes that would benefit the  
14 community, but also develop a commercial part of the  
15 Brownfields project that would pay for the recreational  
16 uses that would benefit the community.

17 If they could do this, then obviously they felt  
18 they would go a long way in ending a major, major eyesore  
19 and continuing blight on the community and the residents.

20 --o0o--

21 MR. LENNARD: If you look at the next slide, you  
22 will see exactly what has been proposed by the City and  
23 the Redevelopment Agency of the City as the Brownfield  
24 project.

25 On the southerly portion of the 100-acre parcel

1 is what we call the commercial development. On the  
2 northerly part of the 100-acre parcel is what we call the  
3 recreational or sports plex use. And then as the third  
4 part of this Brownfield project is the development of the  
5 golf course that would partially cover the deck of the  
6 Class III, as well as the surrounding part of the Class  
7 III.

8 Now, some time ago -- and you've heard reference  
9 made by the Mayor to the 1997 closure plan, under the 1997  
10 closure plan, it approved a 7 1/2 foot of vegetative  
11 cover. The 7 1/2 foot of vegetative cover has a history  
12 that may not be exactly clear to everybody. The 7 1/2  
13 foot vegetative cover had nothing to do with the  
14 development of this Brownfield project. It was insisted  
15 upon many years ago by the City, because of its feeling  
16 there should be allowed to landscape the top of the Class  
17 III and essentially landscape it with trees. And if we  
18 were to do that, we needed 7 1/2 feet of vegetative layer.  
19 That was approved by this Board. It was approved in an  
20 EIR, and it was approved by the City. And the LEA --

21 BOARD MEMBER WASHINGTON: When was that?

22 MR. LENNARD: 1997.

23 Now we come forward and we're in the Brownfield  
24 project, and we want to essentially develop the golf  
25 course. It now also appears that in order to develop the

1 golf course, we also need 7 1/2 feet, mainly because of  
2 reasons dealing with irrigation, et cetera, and the safety  
3 in terms of the cap on the Class III.

4           So I just wanted to let you know that the 7 1/2  
5 foot does not originate with the Brownfield project. It  
6 was something that was approved and was promised to the  
7 residents considerably before the Brownfield project was  
8 proposed.

9           As we were going through and developing this  
10 Brownfield project, which required, by the way, an  
11 enormous amount of resources and staff time by the City in  
12 negotiating with EPA and DTSC -- because I don't know of  
13 any other city that has acquired any portion of a  
14 landfill, let alone the BKK Landfill. And we did this at  
15 considerable expense to the City to make sure that we  
16 would not be in the line of liability again. We were  
17 successfully able to negotiate that with EPA and DTSC.

18           Two things happened on the way to getting this  
19 thing developed. In approximately October of 2003, we  
20 were advised, as were the agencies, by BKK that they did  
21 not have enough money to pay for the last two payments of  
22 their insurance premiums. As you know, one of the most  
23 important things in terms of dealing with landfills, Class  
24 I, Class III, or otherwise, is to make sure there are  
25 sufficient funds to pay for the closure and postclosure

1 maintenance of those landfills. It was one of the most  
2 important things that the City has been seeing over these  
3 years.

4           We fully expected that there would be enough  
5 money to make sure there would be a closure and  
6 appropriate postclosure. When BKK decided they couldn't  
7 pay the last two premiums, the City itself after talking  
8 with DTSC, EPA, and the Board decided unless any of the  
9 other regulatory agencies were going to do it, and they  
10 weren't, it was going to have to be the City to put up  
11 close to the 2.5 million to pay essentially for the  
12 premiums. By that payment, we kept \$40 million worth of  
13 insurance in force.

14           If the City had not come up with those premiums,  
15 I don't know what we would be looking at today with this  
16 landfill. I do know what we would be doing. You would  
17 have your lawyers, the DTSC lawyers, the EPA lawyers, and  
18 City lawyers all in a massive piece of litigation with  
19 Zurich or Steadfast. So we believe that we did not only  
20 something to the benefit to our citizens, but also to the  
21 benefit of the regulatory agencies.

22           The second thing that happened on the way to  
23 developing this thing happened a little bit later, and  
24 that was in November of 2004 when BKK finally said, "We do  
25 not have enough money to finish closure. And we do not

1 have enough money to even do any of the postclosure on the  
2 Class I." At that point in time, we arranged for a  
3 meeting up in Sacramento of the Board, staff, EPA staff,  
4 and DTSC staff essentially to say we have a crisis on our  
5 hands, and something has got to be done, and something has  
6 got to be done quickly.

7 As a result of that, you know what happened on  
8 the Class I. DTSC has taken it over. And they're  
9 negotiating now with the PRPs to see whether they can take  
10 over the landfill. And EPA is still having to find out  
11 what they can do with the groundwater remedy.

12 Obviously, that resulted in a funding shortfall  
13 for the Class III.

14 --o0o--

15 MR. LENNARD: And if you look at the next slide,  
16 I just really very quickly would like to go through the  
17 funding shortfall and how it came about. As your staff  
18 has already said, and correctly so, we all felt there was  
19 going to be enough financial assurances not only for  
20 postclosure, but closure of the Class III landfill. We  
21 come to learn because of increased cost there was only  
22 approximately about 4.2 or 4.6 million left in the  
23 insurance fund to pay for the closure of the Class III,  
24 when, in actuality, what the State needed to close it  
25 pursuant to their minimum requirement, your minimum Title

1 27 requirements, would be 6.8 million. That meant there  
2 was a funding shortfall.

3 As a result, because of negotiations with the  
4 insurance company -- and I won't go into the complex  
5 arrangements how we got it from postclosure into closure.  
6 But we were able to get the agreement by the insurance  
7 company to essentially use some of the postclosure funds  
8 to make up that shortfall so that the Board ended up with  
9 approximately 6.8 million to close according to Title 27.

10 Now, that meant that the closure in accordance  
11 with State requirements left out something that was very,  
12 very dear to the City. It left out something that  
13 essentially would bring a halt to our Brownfields project.  
14 It would bring an end to something the citizens expected  
15 and something that was promised to the citizens not only  
16 in the 1997 plan, but also by the City Council when we  
17 were going through this. And that is there would only be  
18 5 feet of vegetative layer. And then we would have to  
19 essentially find the money for the 2 1/2 feet. It  
20 essentially left approximately a \$2.3 million gap, not  
21 only in terms of what it would cost for the 2.5 feet  
22 additional, but also because of cost escalations that have  
23 been run into by the grading contractor.

24 In the event that this Board chooses, and we hope  
25 that you do and we urge that you do, to essentially put in

1 another 1.2 million in terms of cleanup and remediation  
2 funds, we know that that would go towards whatever  
3 contingencies are required and hopefully go to putting  
4 back into effect the 1997 closure plan. And remember, the  
5 plan that you're working off of is an interim revised  
6 closure plan. It's not the final closure plan.

7           With that 1.2 million, we still have to point out  
8 to you that we're not asking you to fund the golf course.  
9 The City, in order to implement its project, is still  
10 going to have to be from about 1.1 million to probably  
11 over 2 million short that they will have to put up. All  
12 we're asking you to do is to accept the staff  
13 recommendation. Expend the 1.2 million so as to assist  
14 the City in getting what it bargained for in the 1997  
15 closure plan.

16                               --o0o--

17           MR. LENNARD: I would also like to point out that  
18 the City -- it's not only the regulatory agencies that are  
19 being called upon to put money into the BKK Landfill. The  
20 City has spent a little bit over \$10 million in  
21 remediating the landfill, moneys that BKK did not have.  
22 Moneys that the City was required to put in.

23           First of all, when we purchased that landfill, or  
24 purchased the 100 acres from BKK, we paid a little over  
25 \$6.1 million. We insisted by way of an escrow agreement,

1 which is exactly what your staff is going to use now in  
2 terms of the funds coming from the insurance company, that  
3 those moneys be only used for remediation on the Class I  
4 and Class III. If we hadn't paid the 6.1, BKK didn't have  
5 that money, and there would have been 6.1 less remediation  
6 going into that landfill.

7           Number two, we paid nearly 2.5 in insurance  
8 premiums I've already discussed. If we hadn't paid them,  
9 no one else was paying them, and you would have lost \$40  
10 million worth of insurance.

11           Number three, we have now been obliged to pay for  
12 something which is purely a BKK obligation, which is a  
13 requirement imposed by EPA on the 100 acres where the  
14 commercial is going to do an environmental investigation  
15 as to the existence or nonexistence of contaminated soils.  
16 BKK didn't have the money to do it. Threw their arms up  
17 and said, "We're not doing it."

18           The City had to step in. Yes, we had to step in  
19 because of the commercial development. But without the  
20 commercial development, the whole Brownfields project goes  
21 down. We now are about \$110,000 into that with EPA. If  
22 you add in the 1.1 to 2 million we're going to have to  
23 expend, even if you approve the recommendation by the  
24 staff, we are over \$10 million in contributions of tax  
25 moneys, the very same money that you're talking about



1 today. We're both public agencies. We both have the same  
2 thing and the same interests.

3 --o0o--

4 MR. LENNARD: And, lastly, we believe that with  
5 the approval, subject to some statement that I'd make at  
6 the very end, that we think it's going to be a win-win  
7 situation for the Board and for the City and for the  
8 citizens of the city, which are really the most important  
9 part here. And that is, it's going to reduce closure  
10 costs for the state. It's going to expedite the landfill  
11 closure. It will allow completion of a badly needed  
12 Brownfields project by the City. And it will finally  
13 complete the Class III closure.

14 Now, with respect to the reduced closure costs  
15 for the State, I want to just take one minute as a result  
16 of discussion I had with your legal counsel yesterday,  
17 that there is some discussion -- and I don't know if it's  
18 going to be by the Board or not -- of the Board  
19 essentially going it alone. In essence, doesn't matter  
20 what the City does. We'll take the risk on a time and  
21 material basis, and we believe that risk will be worth  
22 taking, because it's going to be considerably less than  
23 the 1.1 million your staff is recommending.

24 I would just respectfully suggest to you that  
25 that is pure speculation as to how much it's going to cost

1 from the contractor when it gets around to time and  
2 material. And we believe, as the City Manager will  
3 briefly explain to you, that it's going to far exceed the  
4 cost of what you're talking about today. But that's a  
5 decision you have to make.

6           Also, I would just also like to point out that if  
7 that is the option that's taken, please keep in mind that  
8 there is a judicial judgment in the Superior Court that  
9 requires BKK to honor the 7 1/2 foot that is now going  
10 down to 5 feet. Someone is going to have to deal with  
11 that. Neither the City, nor BKK, can just blithely just  
12 ignore it. That is a court judgment, and a valid court  
13 judgment.

14           In terms of our support for the option that the  
15 staff is recommending, we did get an opportunity, a brief  
16 one, less then probably ten minutes, to look at a very  
17 different Resolution. I would point out to you -- and I  
18 really think that it's something that if the staff and the  
19 lawyers and myself sat down, we could work this out. But  
20 no one came to us. We've got a Resolution here. The  
21 Resolution in its present form is unacceptable to the  
22 City. It's unacceptable for two things.

23           Number one, we do not believe we're a co-owner of  
24 the site. We respectfully disagree with your counsel. I  
25 have told your counsel numerous times I want to take that

1 off the table, because we'll never agree. And at the same  
2 time, we don't want to fight over it. Because if we can  
3 agree on the option without the insistence of calling us a  
4 co-owner, then what does it matter? There is no reason to  
5 call the City a co-owner in this Resolution. If you  
6 believe under the law we're a co-owner, then we'll be a  
7 co-owner. But to have us as a co-owner in this Resolution  
8 gives us great heartburn and something I will not be able  
9 to explain to my clients, the City Council.

10 In addition to which, as I also said to counsel  
11 yesterday, we agree. We will make the soils available to  
12 the Board. We will make the soils available to the Board  
13 on a schedule that will hopefully fit what the Board  
14 wants. But when you use the term "unfettered," that's not  
15 acceptable either. Because there may be, as the City  
16 Manager will explain to you, circumstances that require  
17 some degree of coordination between our commercial project  
18 and the removal of those soils. And when you use the word  
19 "unfettered," it means unfettered. It means you can come  
20 in any time, day or night, and just say, "We want those  
21 soils."

22 And I just want to make it clear, we're not  
23 saying we won't give you the soils. But we want to do it  
24 on a coordinated basis with the State that doesn't  
25 interfere with the State's ability to close and doesn't

1 interfere with our commercial project. And I think we can  
2 work that out. Yes, we can.

3 And I think this Resolution can be amended very  
4 easily to make it acceptable to us. And I will be glad to  
5 speak to the Board or their counsel about how we can do  
6 that.

7 Without going any further, I would like to at  
8 this point in time introduce the City Manager of West  
9 Covina, Mr. Andrew Pasmant. And thank you again.

10 CHAIRPERSON MARIN: Thank you, Mr. Lennard.

11 Before you do that, if there's a couple of words,  
12 I'm wondering -- Marie, help me here. Because if it's  
13 only a couple of words that are going to make or break  
14 this deal, is there any way that the attorneys can go  
15 somewhere and try to deal with these couple of words? I  
16 know it's putting a lot of pressure on a couple of people.  
17 But we're going to be voting on this, and I want this  
18 resolved. Is there any way that we can get the attorneys  
19 somewhere else and come back with strikeouts or whatever?

20 CHIEF COUNSEL CARTER: Yes. The attorneys can go  
21 right now to work on it and bring it back as soon as they  
22 can.

23 CHAIRPERSON MARIN: Okay. All right.

24 So, Andy, would you come forward.

25 And we will deal with this. We will somewhere,

1 somehow, we'll get an agreement on this issue today.

2 MR. PASMANT: Madam Chair and Board members,  
3 thank you for the opportunity to address the Board. I  
4 just want to further add a few more points in closing here  
5 to the comments that you've heard to this point in time.

6 Again, I want to re-echo, we are not here to  
7 fight with the Board. We're actually looking for  
8 cooperative solutions to create a situation that makes a  
9 win-win for both agencies, controls costs for both  
10 agencies. And that's what I want to focus my comments on  
11 more so.

12 Our goal is not to ask you to help pay for this  
13 project. Again, we're asking that you honor and follow  
14 through with the approved 1997 closure plan. That is  
15 important to us. And how we get to that goal I think  
16 meets both our objectives, of you closing the landfill and  
17 us closing the landfill and getting a Brownfield project  
18 put together.

19 Again, we believe that working together there's  
20 benefits for both agencies. But let me explain why we  
21 think there's benefits for both agencies. This whole  
22 project is extremely complex, and there's many moving  
23 parts and many issues where we're tied to the hip together  
24 along with BKK.

25 For example, when we originally bid the grading

1 contract for this project, when we're discussing preparing  
2 the specifications for the grading, BKK approached us and  
3 advised us that there would be some economies of scale if  
4 they could incorporate -- in essence, ride our coattail,  
5 and get the discounted rates on the unit prices for the  
6 movement of dirt. We are moving approximately 3.3 million  
7 cubic yards of dirt for our Brownfield project. The  
8 closure of the landfill requires approximately 700,000  
9 cubic yards, including the clay cap. So you can see  
10 roughly we'll have a 7-to-1 ratio.

11           They wanted to take advantage of these unit  
12 costs. We are by far moving the bulk of the dirt that  
13 needs to be moved. Most of the dirt we're moving is  
14 involved in the golf course portion of the site by itself.

15           But let's assume for a moment based on some of  
16 the discussions we heard you want to take this project on  
17 on your own and do what you need to do to do your minimum  
18 standards.

19           CHAIRPERSON MARIN: We're beyond that.

20           MR. PASMANT: The numbers here, I want to point  
21 why it's important these projects are tied together. Real  
22 quickly, the clay processing alone, the unit costs are  
23 about 250 a cubic yard. Our engineers are advising us  
24 those costs will probably grow to about \$4 a cubic yard  
25 and represents about \$200,000 more in cost. The clay

1 placement will jump probably 18 to 60 percent more from  
2 what the current bid prices are. The vegetative layer  
3 will jump from the \$1.82 cubic yards to probably 18 to 60  
4 percent increases, which represents about \$600,000 just  
5 for the closure of the landfill.

6           If we are not putting this golf course together  
7 and we are unable to build this golf course, those units  
8 are not going to be able to hold for us for the balance of  
9 this project or for you in closing the landfill.

10           Obviously, we can't build this golf course with  
11 only twelve holes. We need to get the entire golf course  
12 built. We're not asking you to build the golf course.  
13 We're not asking you to do anything other than what the  
14 approved plan shows.

15           If we're unable to work an agreement on this  
16 Resolution, part of the problem is that the assumptions  
17 for the movement of dirt are that you're taking based on  
18 the closure plan from the 100-acre site. The grading  
19 contractor has assumed in his total picture that the dirt  
20 is being moved from the back nine of the golf course,  
21 which is the lowest unit cost outside of -- the dirt's  
22 coming from outside the permitted area, outside your  
23 closure permitted area. Those are issues you're going to  
24 have to deal with in terms of moving the dirt.

25           If you assume for some reason you can justify

1 taking it from the back nine, you're going to deal with  
2 the mitigation measures on the stream bed permit that  
3 requires that you deal with the oak and walnut compliance  
4 standards under the law, as well as the erosion control  
5 plans, as well as the dealing with the habitat for the nab  
6 catcher in that area.

7           If you decide you're going to move to the front  
8 100 acres, then you're going to find yourself having to  
9 deal with the issue of moving dirt farther, so your unit  
10 costs are going to change. You're also going to have to  
11 deal with the issue of the dirty borings that are  
12 currently occurring on the 100-acre site for the cleanup  
13 that the EPA has required that we perform. So the timing  
14 may not fit.

15           And part of the issue that Mr. Lennard had  
16 addressed in terms of the unfettered access, our concern  
17 is that if you try to concentrate your excavations into  
18 smaller areas, you're liable to reduce the economic value  
19 of a parcel by over-excavation of an area which requires  
20 whoever comes in after will have to regrade the entire  
21 site, import dirt, and move it all around, which creates  
22 additional added costs for all the parties.

23           Again, we do want to work together, but we think  
24 there are many portions tied together. I won't tie any  
25 more of your time here, and I thank you for listening to



1 me.

2 CHAIRPERSON MARIN: Thank you.

3 I think that we are actually in more agreement  
4 than disagreement. And you should know, Mr. Pasmant, this  
5 Board has worked closely with every single city in all  
6 kinds of different scenarios. It is our job to ensure the  
7 health and safety of the citizens. That is our first  
8 priority, as is yours. Everything else that comes from  
9 that is nice, and that's the icing on the cake. But first  
10 and foremost, the actions that this Board will take and  
11 has taken with many different cities and many different  
12 circumstances is to ensure the health and safety of the  
13 people. That's our biggest and most important concern,  
14 and as it's yours. Everything else, it's secondary.

15 We believe that we certainly, like you, have  
16 certain responsibilities, and we have certain  
17 responsibilities. We met in closed session. We have come  
18 up with the Resolution that you saw.

19 It would seem to me that maybe we have some kind  
20 of an agreement now with some words. Did we reach that?  
21 Who's going to speak? Mr. Levine.

22 STAFF COUNSEL LEVINE: Thank you.

23 Counsel have met both for the City of West Covina  
24 and the Board, and we have a proposal for the Board with  
25 respect to the Resolution.

1 CHAIRPERSON MARIN: Okay.

2 STAFF COUNSEL LEVINE: The proposal is as  
3 follows. In the new section of the revised Resolution  
4 which begins, "Be it further resolved," the last line of  
5 the main body where it says, "as co-owner of this  
6 permitted facility," that would be stricken from the --

7 CHAIRPERSON MARIN: Just "the City of West Covina  
8 is responsible for providing" --

9 STAFF COUNSEL LEVINE: Yes. Also, the word  
10 "unfettered" in paragraph one right underneath that would  
11 be stricken from the Revised Resolution.

12 CHAIRPERSON MARIN: So, "access to the subject  
13 soils located on the city" --

14 STAFF COUNSEL LEVINE: It would read, "on the  
15 city portion of the property for use as final cover."

16 CHAIRPERSON MARIN: Okay. Does everybody have  
17 those --

18 STAFF COUNSEL LEVINE: There's actually two more.

19 CHAIRPERSON MARIN: Two more. Okay.

20 STAFF COUNSEL LEVINE: On the back page of the  
21 Resolution where it says, "portion of the facility," that  
22 would be replaced by "property."

23 And then the final change is in the middle of the  
24 underlined section thereafter. You should see a line that  
25 says, "consideration, including but limited to the city's

1 substantial contributions to closure." Right after the  
2 word, "closure," we would add "of both landfills." And  
3 then "paying in excess of the one" would be turned into a  
4 "two," because they did pay over 2 million for both  
5 landfills.

6 And that would be all the changes.

7 CHAIRPERSON MARIN: Okay. Would you mind for  
8 the --

9 BOARD MEMBER MULÉ: I just have a question. If  
10 the City is not a co-owner, I'm just curious, what is the  
11 relationship?

12 STAFF COUNSEL LEVINE: It is the legal counsel's  
13 position of the Waste Board that by acquiring a portion of  
14 the permitted facility, when they did that, it's our  
15 position they are a co-owner. Whether or not it's needed  
16 to spell that out in this Resolution is the question. And  
17 in particular since there's compliance with the terms of  
18 this section of the Resolution, there is a settlement of  
19 any financial obligations of the city. It sort of becomes  
20 a mute point. Because we are saying we will not be  
21 further pursuing the issue, whether they are a co-owner or  
22 not.

23 And, actually, there is one more change that  
24 staff pointed out to me. The second to last underlying  
25 where we say, "potential financial assurance deficiency,"

1 just strike the word "assurance." Just "financial  
2 deficiency." If that's okay with Colin.

3 CHAIRPERSON MARIN: If I may, Steve, let me just  
4 read what I think were your comments, so that it's clear  
5 for everybody.

6 The, "be it further resolved," the last line is  
7 "toward this end, the City of West Covina is responsible  
8 for providing, one, access to the subject soils located in  
9 the City portion of the permitted facility for use" --

10 STAFF COUNSEL LEVINE: "Of the property."

11 CHAIRPERSON MARIN: "Of the property." Okay. So  
12 how does it read? Would you please read it?

13 STAFF COUNSEL LEVINE: On the, "one, access to  
14 the subject soils located on the City portion of the  
15 property," and then it goes on as is, "for use as final  
16 cover," et cetera.

17 CHAIRPERSON MARIN: Okay. And then, "full  
18 cooperation with the plans of the Board and BKK to utilize  
19 the respected funds as set forth involve, included, but  
20 not limited to, accommodating the contractor's work  
21 schedule and any adjustment thereto; to facilitate access  
22 to the property" --

23 STAFF COUNSEL LEVINE: "To the city owned  
24 property."

25 CHAIRPERSON MARIN: "To the city owned property

1 of the facility."

2 STAFF COUNSEL LEVINE: "Of the property to  
3 remove," we're striking, "a portion of the facility."  
4 We're replacing it with "property."

5 CHIEF COUNSEL CARTER: Madam Chair, may I suggest  
6 we take a few minutes and have this typed up.

7 CHAIRPERSON MARIN: That would be best. That  
8 would be absolutely best. Okay.

9 Yes.

10 MR. LENNARD: I have to state for the record,  
11 otherwise, I would not be doing justice to my client.

12 Notwithstanding the remarks of legal counsel,  
13 just want to make sure the position is known the City of  
14 West Covina does not believe it is a co-owner of the  
15 facility.

16 CHAIRPERSON MARIN: I understand that. And I  
17 know that there are very significant reasons why you must  
18 state that on the record.

19 Okay. We will be voting on the Resolution.  
20 You're welcome to stay, but you will see the Resolution as  
21 soon as it is typed. We will bring the vote back.

22 Mr. Levenson, let's deal with the next item.

23 DEPUTY DIRECTOR LEVENSON: If I can ask counsel,  
24 since we haven't voted on Item 33, can we vote on Item 34  
25 yet?

1 CHIEF COUNSEL CARTER: No. We should hold it  
2 until after 33.

3 DEPUTY DIRECTOR LEVENSON: We'll go to Item 35  
4 and take care of that. Item 35 is Consideration of the  
5 Scoring Criteria and Evaluation Process for the Solid  
6 Waste Disposal and Codisposal Site Cleanup Grant Program  
7 for Fiscal Years 2005 and 2006, and 2006-2007, the Solid  
8 Waste Disposal Trust Fund.

9 As you know, this was discussed in Committee.  
10 This is our periodic return to the Board for your  
11 consideration of the scoring criteria and establishing  
12 this grant program. This particular item, as I said, is  
13 for your consideration of the proposed criteria and  
14 evaluation process for grants under the program for two  
15 fiscal years.

16 Based on the Committee discussion, we have  
17 proposed one change which is reflected in the attachment,  
18 Attachment 1 at the bottom under the category of Program  
19 Criteria. And that would be in order to address concerns  
20 regarding repeat and overlapping grant awards to grantees  
21 and in order to promote new projects, we would propose  
22 awarding 5 points under these program criteria to  
23 applicants that have not received a grant under the  
24 program during the current and/or the two previous fiscal  
25 years. These 5 points are consistent with the other grant

1 programs that we looked at in terms of how many points are  
2 given for this category. The budget criteria score we  
3 would reduce from 15 points to 10 points in order to keep  
4 the total possible grant score at 100 points.

5 Other than that, the criteria would remain the  
6 same as it has been in past years, and the evaluation  
7 process also would remain the same.

8 So if you have any questions, I'd be happy to  
9 answer them. But short of any questions, we would  
10 recommend that you approve the proposed scoring criteria  
11 as revised in Attachment 1 and the evaluation process as  
12 described in the item and adopt Resolution 2005-153.

13 I'd be happy to answer any questions.

14 CHAIRPERSON MARIN: Okay. Thank you,  
15 Mr. Levenson.

16 Are there any questions regarding this?

17 Okay. Is there a motion for approval?

18 BOARD MEMBER WASHINGTON: I'd like to move  
19 adoption of Resolution 2005-153.

20 BOARD MEMBER MULÉ: Second.

21 CHAIRPERSON MARIN: Moved and seconded. Without  
22 objection, we will substitute the previous roll call.

23 Let's go on to Item 36. And then I have to do  
24 some housekeeping of some items that we have to bring  
25 back.

1           So Ms. Vorhies, and there is a stranger sitting  
2 right next to you.

3           OFFICE OF EDUCATION AND THE ENVIRONMENT ASSISTANT  
4 DIRECTOR VORHIES: Good afternoon, Madam Chair and Board  
5 members. Joanne Vorhies, Office of Education and the  
6 Environment. And we're here today to discuss an update on  
7 the status of education and the environment initiative.

8           And I would like to introduce Bonnie Bruce,  
9 co-manager of this project. She's got the Power Point  
10 ready. Bonnie.

11           (Thereupon an overhead presentation was  
12 presented as follows.)

13           MS. BRUCE: First of all, it is my pleasure to  
14 present to you, Madam Chair and Board members, an update  
15 on the ongoing implementation of this landmark  
16 legislation.

17                               --o0o--

18           MS. BRUCE: And I would like to acknowledge that  
19 although I'm giving the report, in the audience is both my  
20 co-manager, Andrea Lewis, as well as -- and she's from  
21 CalePA, but also our principle consultant, Dr. Jerry  
22 Lieberman. And they'll be available also for any  
23 questions that you might have.

24           Before you is a chart of where we were and where  
25 we are and where we hope to go in terms of some of the



1 milestones. When we came to you in December, it was very  
2 important that we ask for your approval of what was then  
3 called the developmental environmental principles and  
4 concepts. And that took us through Phase 1 and through  
5 Phase 2. And as a Board, you most graciously accepted the  
6 work that we had done.

7           What was important in that is that that took us  
8 forward into Phase 3, which was the plan for the modeled  
9 curriculum, which is basically the meat of where we're  
10 going to go in terms of what students will be taught in  
11 the classroom, as well as what we hope text book  
12 publishers will want to put in their text books.

13           So we have spent since January through now  
14 developing and completing Phase 3. And that's what I  
15 would like to review with you today, of where we are to  
16 date.

17                               --o0o--

18           MS. BRUCE: The goal and the purpose of our model  
19 curriculum, obviously, is to provide a K-12 grade  
20 instructional continuum that helps students master not  
21 only the California's academic content standards, but also  
22 our environmental principles and concepts.

23           What is different about this curriculum than  
24 other curriculums that have gone before or gone into the  
25 classroom and that other agencies and other groups and a

1 lot of non-governmental agencies go in is this is going to  
2 be approved by the State Board of Education. That's a  
3 huge accomplishment to have that done. Not only will it  
4 be standard space, obviously, to get that approval, but it  
5 will be used to teach the environmental principles and  
6 concepts.

7 And so what that does is take us into our second  
8 purpose, is that this continuum must achieve mastery.  
9 That's the key. There's a lot of really good material out  
10 there, but none of it teaches mastery of the standards.  
11 That's an important piece to what we've been working on.

12 --o0o--

13 MS. BRUCE: These were the various tasks, and  
14 I'll go through these as quickly as I can, in terms of  
15 what it is that we have been doing as we have been  
16 designing the model curriculum. And we started with the  
17 first task of establishing an Interagency Model Curriculum  
18 Planning Committee.

19 I'll just walk you through them. In designing  
20 the model curriculum, we needed to have input from both  
21 the school districts and the educators. So what we did  
22 was we actually went and solicited this type of  
23 information from an Interagency Model Curriculum Planning  
24 Committee. We established an education partnership. We  
25 had an educator needs assessment and also did focus

1 groups.

2 --o0o--

3 MS. BRUCE: The Interagency Model Curriculum  
4 Planning Committee was made up of various representatives  
5 from these groups. And I think this is important, because  
6 very often you go forward and you forget that there's a  
7 lot of people, particularly in the field of education in  
8 the state, that need to have a buy-in on this. So you can  
9 see it was not only CalEPA and ourselves, but we brought  
10 in people from California Department of Education, the  
11 State Board of Education, particularly the Curriculum and  
12 Supplemental Materials Development Commission, the Office  
13 of the Secretary, the Resources Agency, Assemblymember  
14 Pavely's Office, and our guest on the Committee was the  
15 sponsor of the bill, which was Heal the Bay.

16 --o0o--

17 MS. BRUCE: It was important as we moved forward  
18 in this planning that we needed to identify what the  
19 priorities were, what would guide us, and how to get into  
20 that grade level sequence. So with this Committee meeting  
21 on a very timely basis, sometimes even weekly or every  
22 other week, they were able to then guide us. So as we  
23 were moving along, it wasn't something we would have to  
24 recreate at the end. So at the end, they did approve our  
25 model curriculum plan.

1                               --o0o--

2               MS. BRUCE: Our education partnership, which many  
3 of you have attended, these meetings included groups from  
4 the various State agencies, as well as business groups,  
5 universities, and environmental organizations. I think  
6 this has also been part of our success, is that we were  
7 able to bring together all entities that are involved.  
8 And this partnership meets quarterly to review and comment  
9 on the materials. Then they go back out to their  
10 constituencies. And we are hoping that as we move forward  
11 in the fund-raising part of this they will be very  
12 involved in helping us raise the needed funds.

13                               --o0o--

14               MS. BRUCE: It was important that we talk to the  
15 educators. I think everybody was saying all along, don't  
16 forget the teachers in the classroom. And, obviously,  
17 they're the most important. That's who's going to be  
18 there.

19               So we did do an educator needs assessment. And  
20 we did go out and asked them various questions. We were  
21 able to survey through using a database that took over  
22 9,000 teachers to get responses back as to what would they  
23 need in the classroom.

24                               --o0o--

25               MS. BRUCE: I think what's interesting here is as

1 a result of that, this is what the teachers told us. They  
2 said, we would recommend that you start with the 4th to  
3 6th grade. You know, the law mandates we go K-12. But  
4 they said let's start at 4-6, because this is where we  
5 think we will see the greatest match. They were most  
6 interested in us starting with science and then followed  
7 by history social science, and then the English language  
8 arts.

9 Interestingly enough, they prefer printed rather  
10 than web-based. We have some work to do here. But if  
11 you're in the classrooms, sometimes it really is easy  
12 to -- actually, if you don't have everybody with a  
13 computer, and not all classrooms do, that we had to go  
14 this direction.

15 They asked that we have materials that address  
16 grade and discipline-specific standards. And if you can  
17 imagine, they said please have materials that are  
18 available to them at no cost.

19 --o0o--

20 MS. BRUCE: So with that, we did then take that  
21 information and we organized focus groups throughout the  
22 state. And we had focus groups in Los Angeles County,  
23 Orange County, Sacramento, Alameda, San Bernardino, and  
24 Riverside. And here we had not only teachers, but we also  
25 had administrators. And we asked them for their input as

1 well. Again, developing something with this magnitude, we  
2 wanted to make sure that we were going to have buy-in from  
3 the education community.

4 --o0o--

5 MS. BRUCE: And district level focus group  
6 meetings were very good in helping us to look at, what are  
7 the attributes that are needed? What are the factors that  
8 we need to increase the use of this curriculum? What is  
9 the appropriate grade level? And what are the strategies?  
10 And it was with that that we then went forward and  
11 developed the model curriculum plan.

12 --o0o--

13 MS. BRUCE: The design that we used and the  
14 actual desirable attributes that were put into that and  
15 the outline --

16 --o0o--

17 MS. BRUCE: -- of this plan you have, as you  
18 probably know, it's about 158 pages, and I'm not going to  
19 go through all of that. But I think the link I wanted to  
20 point out to you was that what you see here and what you  
21 have is based on what we heard. We actually took what we  
22 heard and then went forward and designed it around what  
23 will be used.

24 Both the people that are representatives on the  
25 Curriculum Commission as well as our Interagency Group

1 were very pleased all of that came together in that way.  
2 So some evening when you're not sure what to do and you  
3 don't have agenda items to read, I would encourage you,  
4 because as you read through that, you really do begin to  
5 see the link.

6 CHAIRPERSON MARIN: I'm sure Mr. Washington would  
7 like you to go through them right now.

8 MS. BRUCE: If you request that at the end, I'll  
9 be happy to do that.

10 --o0o--

11 MS. BRUCE: We did use the various design  
12 strategies that can be so used in making curriculums  
13 successful. This is the key. What are you going to do to  
14 make sure it is successful in the classroom?

15 --o0o--

16 MS. BRUCE: I think what is important here is  
17 seeing that we are not going to forget what our  
18 responsibilities are. We know this is a K-12 development.  
19 We didn't identify the years here, because we can't get  
20 started until the next piece of what will happen, which is  
21 the budget. And so when we do have the funding now to go  
22 forward with the actual writing, which is the beginning of  
23 Phase 4, is now to hire professional writers to help us  
24 write all of our plans and all of our ideas into place.  
25 Then you will see we'll begin there. And as that's

1 happening, we will be doing the same thing that we did.  
2 All the steps we've just come through, we'll be doing that  
3 for the other grade levels, as well as then the other  
4 subject areas.

5           You also see that there is room here for piloting  
6 this, for reviewing this. And then as we get into the  
7 training of the professionals, we also have built in here  
8 measurement, because I think that's going to be very, very  
9 important. And, of course, that takes us all the way out.

10                               --o0o--

11           MS. BRUCE: I think that to take this all into  
12 consideration as to where we have been and where we go  
13 forward, none of this would have happened without this  
14 Board. This Board has been there not only from the  
15 standpoint of emotional support, but it's been there in  
16 terms of financial resources and philosophical agreement.  
17 And for that, when you think that we will be impacting  
18 over 1,000 school districts and over 6 million children in  
19 the years to come, I think you should be very proud and  
20 very excited about what you have agreed to do.

21           And as we move forward, we do wait for the  
22 signage of the budget. We hope we are still included and  
23 that we will then be able to use that to leverage the  
24 fundraising efforts that will still have to take place for  
25 the bigger piece.



1           But on behalf of the Committee that I represent  
2 and work, and I would say on behalf of all of the children  
3 that I think are going to be much better served with the  
4 type of curriculum that we are planning, we want to thank  
5 you.

6           And we are available for any questions that you  
7 might have.

8           CHAIRPERSON MARIN: It's amazing. It is amazing  
9 what you all have done, and Andrea, the consultant. I  
10 would say Patty Wohl -- that cannot be Patty Wohl, and Jim  
11 Lee. Bonnie and Joanne, I know it has taken a lot of  
12 effort.

13           And what is amazing is how they have been able to  
14 bring everybody together. And, you know, from the  
15 Superintendent of Public Instruction and all of his group  
16 to the people throughout the community, and to come to an  
17 agreement for something of this magnitude that will have  
18 repercussions for the rest of our lives, I think it's  
19 pretty amazing. You're pretty much on schedule. You  
20 ought to be commended for your efforts to get us here.

21           Bonnie, it's really amazing. We owe you and  
22 Andrea as co-chairs a debt of gratitude. You've taken an  
23 impossible task, managed it beautifully, and you're  
24 getting us there. So we really appreciate it.

25           I can't wait to see it, to actually see it. I

1 was very impressed with the teachers that responded to the  
2 survey on the average have been teaching for 15 years.  
3 That is very impressive. We're getting very good feedback  
4 with that quality of teachers. I think it makes it a lot  
5 easier for the development of the curriculum with that  
6 kind of background and guidance. I don't know. I believe  
7 that.

8 MS. BRUCE: I have to share even the Department  
9 of Education was pleased with what we were getting from  
10 our work. So they're using some of that as well.

11 CHAIRPERSON MARIN: Excellent.

12 Comments from Ms. Peace, Mr. Washington, and then  
13 Ms. Mulé.

14 BOARD MEMBER PEACE: At the beginning, the  
15 Secretary of Education, the Department, and the Board of  
16 Education, they weren't real excited about this. So it  
17 was really something to get them on board. And Bonnie has  
18 done such an incredible job spearheading this and  
19 co-managing this with Andrea Lewis. Thank you for all the  
20 work you've done. You've done an incredible job. And  
21 thank you, Jerry Lieberman. Because that was truly a  
22 complex education environmental initiative.

23 And you know, Bonnie is the Board's education  
24 expert. And I think we all just need to make sure she  
25 stays on for as long as we need her to see this through.

1 So I think that's really important to make sure she stays  
2 as long as she's willing.

3 But besides that, besides the excellent work that  
4 Bonnie does, she is also, you know, an incredible cook.  
5 And every year when we have the picnic, she always enters  
6 those contests. So this year we need to make sure we go  
7 to the picnic and sample her salsa.

8 CHAIRPERSON MARIN: Salsa, not cookies.

9 Now, does she dance salsa, that's the question.

10 MS. BRUCE: Give me a good partner.

11 (Laughter)

12 CHAIRPERSON MARIN: Anything further, Ms. Peace?

13 Mr. Washington.

14 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

15 I, too, would like to just attach myself to both  
16 your and Ms. Peace's comments about Bonnie and Andrea and  
17 all you guys, Joanne, and everyone who has done a  
18 marvelous job.

19 I was there at the inception of the first  
20 meeting. When I walked in the room, I knew this was going  
21 to be a big deal. And I am so proud of how far you guys  
22 have come with this initiative. It's amazing. And to go  
23 out and visit with the doctor out at Beverly Hills at the  
24 school, I spent a whole day out there with those guys. To  
25 see the teachers' enthusiasm about this and how they were

1 just excited in participating and giving the reports on  
2 what their kids are doing in the local schools is just  
3 phenomenal.

4 And, again, I can't say enough of how pleased I  
5 am of how far you guys have brought this. This really is  
6 amazing to see the work. I did know that with your  
7 expertise you would get it to this point. But I did not  
8 know it was going to expedite it and certainly get to this  
9 point this fast. And so I'm truly, truly excited.

10 I've had a chance to sit down with Ms. Vorhies  
11 and talk about the Educational Office, and I'm very  
12 supportive in your efforts to go forward. I'm very proud  
13 of what you guys are doing in the Education Office and  
14 going forward.

15 And let me make sure that we all understand that  
16 the tipping fees that we receive, that those funds go  
17 towards this initiative and we make sure those resources  
18 are put forward for this initiative. And I hope that is  
19 the case. And I know we will continue to do so in making  
20 sure that happens, as well as making sure that our Board  
21 staff are the experts when it comes to this curriculum and  
22 building this curriculum for our Board -- and it's nice to  
23 have consultants around. But I know as Madam Chair  
24 believes that at some point our staff should be the  
25 experts in this area and that we can thank our consultants

1 and wish them well in their other endeavors.

2 So you guys keep up the good work. And I'm very  
3 glad to see you guys moving forward.

4 MS. BRUCE: You make a good point. When we've  
5 been out visiting various foundations and getting their  
6 support, one of the questions they ask is before we get  
7 behind this initiative, we want to know about the  
8 sustainability. And we're able to point to the fact that  
9 this bill did allow for and create and for sure document  
10 that forever and ever we will have an Office of  
11 Environmental Education. And so you're right in your  
12 comments.

13 BOARD MEMBER WASHINGTON: Thank you.

14 CHAIRPERSON MARIN: Ms. Mulé.

15 BOARD MEMBER MULÉ: Thank you, Madam Chair.

16 Bonnie, you said this couldn't have been done  
17 without the Board's support. But I look at it the other  
18 way. This couldn't have been done without all of your  
19 hard work and effort and commitment to this project. I  
20 just want to personally thank you for --

21 MS. BRUCE: Many people have been involved.

22 BOARD MEMBER MULÉ: Andrea, the two of you,  
23 you've made this look so easy. You really have. The  
24 process has just gone so smoothly. And what's surprising  
25 to me is how well it's been going and how much you've

1 accomplished in the short time you've been at it. You  
2 make it look easy. So you really need to be commended for  
3 all of your hard work, Joanne, everybody. It's just  
4 amazing how far you've come in this short time.

5 And I really hope that the next phase, you know,  
6 number one, we get the budget approved. But then as you  
7 were mentioning, the additional fundraising, because this  
8 is going to take a tremendous amount of financial  
9 resources to get this project completed. And so I, you  
10 know, wish you well. And anything that we can do as a  
11 Board to help you in that effort, please feel free to let  
12 you know. Thank you.

13 MS. BRUCE: Thank you very, very much.

14 CHAIRPERSON MARIN: So how many more phases?

15 MS. BRUCE: The next one is a big one. We  
16 actually have six phases that we need to do that will take  
17 us clear to the end.

18 CHAIRPERSON MARIN: But knowing your background  
19 and knowing how fast you go, I'm sure that's going to be  
20 here before us next month or something like that.

21 MS. BRUCE: We'll try hard.

22 CHAIRPERSON MARIN: Thank you, Bonnie. Thank  
23 you, Joanne. And thank you, Andrea and Dr. Lieberman.  
24 Thank you so kindly for your work, and everybody else that  
25 has so graciously been part of this.

1           No need to vote on this. You already have our  
2 votes. Okay.

3           Let's go back to Item Number 33. Did everybody  
4 receive the revised item? And our friends from the City  
5 of West Covina are still here.

6           STAFF COUNSEL LEVINE: Steve Levine from the  
7 Legal Office.

8           Yes, the further Revised Resolution has been  
9 distributed to all interested parties. We have gotten the  
10 okay from the City with respect to that Resolution, and it  
11 should have been passed out to you at this point. There  
12 are copies in the back of the room.

13          CHAIRPERSON MARIN: Mayor, you can go back to  
14 your city and let them know that we came to a very fine  
15 and agreeable agreement with you guys. We wish you well  
16 in your next endeavors. And we just want to come in and  
17 remediate -- would that be the right word -- this problem  
18 in that landfill. And know that we appreciate working  
19 together with the City of West Covina. Okay.

20          BOARD MEMBER MULÉ: Madam Chair --

21          CHAIRPERSON MARIN: Mr. Washington.

22          BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

23           I just want to echo your comments in terms of  
24 minds coming together. That's what it's all about. I'm  
25 very impressed with the Mayor and the Councilman coming

1 down with the City Manager and staff to make sure there is  
2 a resolution to this project.

3 I drive by that project quite often, and I look  
4 forward to it. I was just instructing my staff, I want to  
5 go and take a tour once again of this project and make  
6 sure that we move forward. And, again, thank you guys so  
7 much for coming down and working this out and making sure  
8 that we, again, as you stated, keep our constituency in  
9 the City of West Covina safe and make sure we protect the  
10 health of the public of our communities.

11 CHAIRPERSON MARIN: Thank you, Mr. Washington.  
12 Ms. Mulé.

13 BOARD MEMBER MULÉ: I'd like to move Resolution  
14 2005-151 Revised.

15 BOARD MEMBER WASHINGTON: Second.

16 CHAIRPERSON MARIN: Moved by Ms. Mulé, seconded  
17 by Mr. Washington.

18 We're spending money. Call the roll on this,  
19 please.

20 EXECUTIVE ASSISTANT BAKULICH: Mulé?

21 BOARD MEMBER MULÉ: Aye.

22 EXECUTIVE ASSISTANT BAKULICH: Peace?

23 BOARD MEMBER PEACE: Aye.

24 EXECUTIVE ASSISTANT BAKULICH: Washington?

25 BOARD MEMBER WASHINGTON: Aye.



1 EXECUTIVE ASSISTANT BAKULICH: Marin?

2 CHAIRPERSON MARIN: Aye.

3 Thank you very much, everybody. And go out there  
4 and do a great job. Thank you, Mr. Miller, as well.

5 One down and four to go. We can now go to Item  
6 34.

7 DEPUTY DIRECTOR LEVENSON: Before we do that, I  
8 want to acknowledge both Scott Walker and Steve Levine for  
9 all their efforts on BKK.

10 CHAIRPERSON MARIN: You're absolutely right,  
11 Howard. We couldn't have done this without Mr. Scott  
12 Walker and Mr. Steve Levine.

13 But you know, for our edification, could you give  
14 us some background?

15 (Laughter)

16 DEPUTY DIRECTOR LEVENSON: I want to thank you,  
17 Board members, for your patience in hearing multiple items  
18 on BBK. There's still a long ways to go. There's not any  
19 guarantee it's all going to be done smoothly. It's going  
20 to take some doing on the part of staff. But we're happy  
21 we're at this point and we can proceed from here. Thank  
22 you for your support.

23 CHAIRPERSON MARIN: Thank you, all. Thank you.

24 And you don't have to give us a background. For  
25 some people that don't know what I'm talking about, it's

1 actually a private joke amongst us, especially in closed  
2 session. So it will remain there.

3 Okay. Item 34.

4 DEPUTY DIRECTOR LEVENSON: Item 34 is  
5 Consideration of Augmentation of the Environmental  
6 Services Contracts and Engineering Services Contract for  
7 Landfill and Disposal Site Remediation. The contract  
8 numbers are listed in the agenda item. This is for fiscal  
9 year 2004-05, the Solid Waste Disposal Trust Fund.

10 As you recall at the Committee, we had a  
11 discussion of this. There are a number of separate  
12 augmentations that we are proposing. Three of them were  
13 discussed by the Committee, and there was general  
14 consensus to move forward with those. But no vote was  
15 taken because of the proposed augmentation of one of the  
16 contracts to accommodate BKK remediation.

17 So with that, I'll introduce Wes Mindermann, who  
18 will briefly go through this item for your consideration.

19 SOLID WASTE CLEANUP PROGRAMS SECTION SUPERVISOR  
20 MINDERMAN: Thank you, Howard. I was just going to say  
21 that concludes my presentation.

22 But, actually, good afternoon, Madam Chair and  
23 members of the Board. Just really briefly, this item can  
24 really be broken down into two proposals: One proposal  
25 which is to augment our existing contracts under the Solid

1 Waste Cleanup Program to keep the program going through  
2 the current construction season and the expiration of  
3 those contracts in May of 2006.

4 We're proposing a \$750,000 augmentation to each  
5 of the remediation contracts, and a \$250,000 augmentation  
6 to our engineering services contract. That would carry us  
7 through the expiration of May 2006. We also informed the  
8 Committee that it's our intent to go out for new contracts  
9 prior to that expiration date with a competitive process.

10 So the second part of the item or the second  
11 proposal was based on Agenda Item 33, which was to augment  
12 one of our remediation contracts by the \$1.2 million  
13 necessary to complete the work at the BKK Landfill. So  
14 that is staff's recommendation. And we are recommending  
15 that the Board approve the augmentations and adopt  
16 Resolution 2005-152.

17 CHAIRPERSON MARIN: Thank you, Wes. I really  
18 appreciate it.

19 We discussed this during the Committee. And the  
20 reason why we couldn't take action is because we didn't  
21 know what was going to happen with Item 33. So unless  
22 there are any further questions, Ms. Peace. No.

23 Are you ready for a motion?

24 BOARD MEMBER MULÉ: I move Resolution 2005-152.

25 BOARD MEMBER WASHINGTON: Second.

1 CHAIRPERSON MARIN: Moved by Ms. Mulé, seconded  
2 by Mr. Washington.

3 Call the roll, please.

4 EXECUTIVE ASSISTANT BAKULICH: Mulé?

5 BOARD MEMBER MULÉ: Aye.

6 EXECUTIVE ASSISTANT BAKULICH: Peace?

7 BOARD MEMBER PEACE: Aye.

8 EXECUTIVE ASSISTANT BAKULICH: Washington?

9 BOARD MEMBER WASHINGTON: Aye.

10 EXECUTIVE ASSISTANT BAKULICH: Marin?

11 CHAIRPERSON MARIN: Aye.

12 Okay. Good job.

13 Okay. That leads us to Item 37. Ms. Carter, did  
14 you need to advise us on a couple of items regarding this?

15 CHIEF COUNSEL CARTER: Yes. Thank you, Madam  
16 Chair.

17 As you know, this particular item is a latecomer  
18 to our Board agenda. And the reason we are able to bring  
19 it to you at this time is pursuant to Government Code  
20 Section 11125.3, which provides that a State body may take  
21 action on an item not appearing on its originally posted  
22 agenda upon a determination by the required vote that,  
23 one, there exists a need to take immediate action; and,  
24 two, the need for action came to the attention of the  
25 State body subsequent to the agenda being posted.

1           The availability of funds to potentially allocate  
2 in Item 37 first came to the Board's attention last week  
3 during discussions on Item 12 at the Sustainability and  
4 Market Development Committee, after posting of the agenda.

5           The Board needs to take immediate action if it  
6 wishes to reallocate these funds, because these funds must  
7 be encumbered before the end of the fiscal year.  
8 Otherwise, the funds revert to the Tire Reserve.

9           After determining that the Board might want to  
10 consider the reallocation item, a new title was posted on  
11 the Board's agenda on Friday, June 10th, and notice was  
12 provided that day as required by the Government Code, more  
13 than 48 hours in advance of today's meeting.

14           Before staff begins the presentation of this  
15 item, the Board needs to vote on whether or not to  
16 consider the item. All four members of the Board must  
17 vote to hear the item pursuant to statute. Please  
18 remember an affirmative vote to hear the item is not a  
19 vote on the underlying issue. It just allows the Board to  
20 hear the underlying issue.

21           The appropriate motion by the Board would be to  
22 hear Item 37, because there is a need to take immediate  
23 action, and it came to your attention after the original  
24 agenda was posted.

25           CHAIRPERSON MARIN: Thank you, Ms. Carter.

1 Is there a motion to hear Item Number 37?

2 BOARD MEMBER WASHINGTON: Madam Chair, I move  
3 adoption that we hear Item Number 37.

4 BOARD MEMBER MULÉ: Second.

5 BOARD MEMBER PEACE: Second.

6 CHAIRPERSON MARIN: We have two seconds at the  
7 same time.

8 Moved by Mr. Washington and seconded by Ms.

9 Peace.

10 Call the roll to hear the item.

11 EXECUTIVE ASSISTANT BAKULICH: Mulé?

12 BOARD MEMBER MULÉ: Aye.

13 EXECUTIVE ASSISTANT BAKULICH: Peace?

14 BOARD MEMBER PEACE: Aye.

15 EXECUTIVE ASSISTANT BAKULICH: Washington?

16 BOARD MEMBER WASHINGTON: Aye.

17 EXECUTIVE ASSISTANT BAKULICH: Marin?

18 CHAIRPERSON MARIN: Aye.

19 Okay. Now let's hear the item, Mr. Lee.

20 DEPUTY DIRECTOR LEE: Thank you, Madam Chair and  
21 good afternoon, Board members. For the record, my name is  
22 Jim Lee, Deputy Director for the Special Waste Division.

23 Board Item 37, Consideration of Concepts to be  
24 Funded from the Reallocation of Unused Fiscal Year  
25 2004-2005 Waste Tire Recycling Management Program Funds.

1           The Board made what was expected to be all of its  
2   fiscal year 2004-05 funding reallocations at its May  
3   meeting. However, the Board's decision on Item 12 has  
4   made available an additional \$300,000 of 04-05 funds for  
5   reallocation, which would otherwise revert to the Tire  
6   Fund.

7           In order to put these funds to productive use  
8   this year, staff has prepared this item for the Board's  
9   consideration of various options. Given the fact that  
10   funds must be encumbered by June 30th, alternatives are  
11   necessarily constrained to those which can be planned  
12   and/or funds encumbered within that time frame.

13           As potential candidates for the Board's  
14   consideration, staff have identified projects which were  
15   reviewed at the May meeting during the reallocation  
16   discussion, but which for various reasons received partial  
17   or no funding. These projects include the Tracy Tire Fire  
18   Site Cleanup, the Yolo County Central Landfill Project,  
19   the DHS Tire-Derived Resilient Flooring Study, the Smart  
20   Tire Technology Testing by the Department of General  
21   Services, and the International Asphalt Rubber Conference.

22           Of the various project proposals, staff  
23   recommends that the Board approve reallocation of the  
24   \$300,000 to the Tracy Tire Fire Site cleanup. This  
25   recommendation is consistent with the Board action taken

1 last month and the Board's consensus acknowledgement that  
2 the cleanup of this site arguably represents the highest  
3 priority in the Tire Program.

4 An additional advantage of reallocation of this  
5 300,000 of 04-05 funds to the Tracy project is that this  
6 will allow a commensurate reduction in 05-06 funds  
7 proposed for this project. These 05-06 funds can then be  
8 redirected next year as part of the Board's deliberations  
9 on the 05-06 reallocation.

10 Staff recommends that the Board approve  
11 Resolution 2005-180 and the reallocation of \$300,000 in  
12 04-05 funds to the Tracy Tire Fire Site Cleanup Project.

13 CHAIRPERSON MARIN: Thank you, Mr. Lee.

14 I didn't know whether I needed to state --  
15 because you had basically stated the reasons why we could  
16 hear it, whether I needed to make any further findings.  
17 Great. Okay.

18 With that in mind, is there any discussion  
19 regarding this item?

20 BOARD MEMBER MULÉ: Move Resolution 2005-180.

21 BOARD MEMBER WASHINGTON: Second.

22 CHAIRPERSON MARIN: Moved by Ms. Mulé, seconded  
23 by Mr. Washington.

24 We're spending money, so please call the roll.

25 EXECUTIVE ASSISTANT BAKULICH: Mulé?



1 BOARD MEMBER MULÉ: Aye.

2 EXECUTIVE ASSISTANT BAKULICH: Peace?

3 BOARD MEMBER PEACE: Aye.

4 EXECUTIVE ASSISTANT BAKULICH: Washington?

5 BOARD MEMBER WASHINGTON: Aye.

6 EXECUTIVE ASSISTANT BAKULICH: Marin?

7 CHAIRPERSON MARIN: Aye.

8 CHIEF COUNSEL CARTER: Excuse me, Madam Chair.

9 I just wanted to clarify for the record that that  
10 Resolution was to provide funds for the Sukut contract.  
11 We have in the Resolution, it's blank, and also the amount  
12 should be specified.

13 BOARD MEMBER PEACE: Do we need to go back to  
14 Item 4 then also?

15 DEPUTY DIRECTOR LEE: That will be heard next,  
16 Ms. Peace.

17 CHAIRPERSON MARIN: Okay. So everybody  
18 understands that that's what's going to happen. It's the  
19 reallocation to the Sukut contractor. Okay. That takes  
20 us to Item Number 4.

21 DEPUTY DIRECTOR LEE: Board Item 4 is  
22 Consideration of the Contractor for the Final Remediation  
23 of the Tracy Tire Fire Site Contract, IWM04-046.

24 This item was revised to reflect that multi-year  
25 funding will be utilized from this contract.

1 Specifically, to reflect the direction by the Board on  
2 Item 37, 300,000 in reallocated fiscal year 2004-05 funds  
3 will be used to replace an equivalent amount of 2005-06  
4 funds. The 300,000 in 05-06 funds will be made available  
5 for redistribution as part of the Board's annual  
6 reallocation process.

7           There was discussion at the Special Waste  
8 Committee meeting about the funds needed for any final  
9 site documentation that might be required by other  
10 regulatory agencies, such as the DTSC or the Water Quality  
11 Control Board, to certify clean closure. Staff explained  
12 that some of the costs for the documentation, namely, the  
13 monitoring and confirmation sampling, are already being  
14 done as part of our normal cleanup work. Staff will be  
15 having discussions with the other regulatory control  
16 agencies to ensure they will abide with the preliminary  
17 cleanup levels that have already been informally agreed  
18 to. If agreement cannot be reached and there are final  
19 documentation or other cleanup requirements which are  
20 being imposed, staff will return to the Board to request  
21 additional funds for this effort.

22           In any event, staff will return to the Board no  
23 later than December 2005 with a status update, which we  
24 will make every effort to ensure reports on the successful  
25 culmination of our cleanup activities. The proposed

1 revisions to the Resolutions in Revision Number 2 that you  
2 have before you reflect these considerations.

3 With that, staff recommends that the Board  
4 approve Resolution 2005-158 Revision 2 and Sukut  
5 Construction, Incorporated, as the contractor for the  
6 final remediation phase of the Tracy tire fire site in the  
7 amount of \$1,300,000.

8 CHIEF COUNSEL CARTER: Excuse me, Madam Chair.

9 In anticipation of the Board approving this --  
10 maybe I'm a little premature -- we did want to alert the  
11 Board there should be inclusion of another whereas  
12 provision which would bring your last action into this  
13 Resolution, basically to the effect that the Board  
14 reallocated \$300,000 of unused fiscal year 2004-2005 funds  
15 to this contract. And then also I would alert you to the  
16 last now therefore be it resolved. Instead of identifying  
17 fiscal year 05-06, it should be multiple year. Thank you.

18 CHAIRPERSON MARIN: Now, is the amount the  
19 \$1,300,000, is that the correct amount?

20 CHIEF COUNSEL CARTER: Yes.

21 CHAIRPERSON MARIN: Okay. Is there any further  
22 discussion on this item?

23 Is there a motion to this effect?

24 BOARD MEMBER MULÉ: Move Resolution 2005-158  
25 Revision 2.

1 BOARD MEMBER WASHINGTON: Second.

2 CHAIRPERSON MARIN: Moved and seconded.

3 Call the roll, please.

4 EXECUTIVE ASSISTANT BAKULICH: Mulé?

5 BOARD MEMBER MULÉ: Aye.

6 EXECUTIVE ASSISTANT BAKULICH: Peace?

7 BOARD MEMBER PEACE: Aye.

8 EXECUTIVE ASSISTANT BAKULICH: Washington?

9 BOARD MEMBER WASHINGTON: Aye.

10 EXECUTIVE ASSISTANT BAKULICH: Marin?

11 CHAIRPERSON MARIN: Aye.

12 Now we're going to bring back Item Number 15.

13 There was a minor glitch. Because we all voted on the

14 affirmative, we need to bring back the item. Is there a

15 motion for that?

16 BOARD MEMBER MULÉ: I move that we bring back

17 Item 15 for discussion.

18 BOARD MEMBER WASHINGTON: Second.

19 CHAIRPERSON MARIN: Moved and seconded for

20 reconsideration.

21 Call the roll, please.

22 EXECUTIVE ASSISTANT BAKULICH: Mulé?

23 BOARD MEMBER MULÉ: Aye.

24 EXECUTIVE ASSISTANT BAKULICH: Peace?

25 BOARD MEMBER PEACE: Aye.

1 EXECUTIVE ASSISTANT BAKULICH: Washington?

2 BOARD MEMBER WASHINGTON: Aye.

3 EXECUTIVE ASSISTANT BAKULICH: Marin?

4 CHAIRPERSON MARIN: Aye.

5 There was a small little glitch on this item, and  
6 that is it included the City of San Marino in the  
7 Resolution itself. That has now been deleted, and it will  
8 be heard at the next Board meeting. So when we adopt this  
9 Resolution, the Resolution is without the City of San  
10 Marino in it. Okay.

11 Do I need to -- so it will be Resolution 2005-143  
12 Revised.

13 CHIEF COUNSEL CARTER: Correct.

14 CHAIRPERSON MARIN: Okay. Is there a motion for  
15 that?

16 BOARD MEMBER WASHINGTON: Madam Chair, I'd like  
17 to move adoption of Resolution 2005-143 Revised without  
18 the City of San Marino.

19 BOARD MEMBER MULÉ: Second.

20 CHAIRPERSON MARIN: Moved and seconded. Without  
21 objection, we will substitute the previous roll call.

22 Anything else?

23 DEPUTY DIRECTOR LEE: Madam Chair, the Resolution  
24 on Item Number 2 was the --

25 CHAIRPERSON MARIN: Oh, that's right. I have it

1 right in front of me. Attachment 3, that's the last item.

2 DEPUTY DIRECTOR: Just to reflect the very minor  
3 changes to that item that we discussed with you this  
4 morning.

5 CHAIRPERSON MARIN: Exactly. We just needed to  
6 vote on this. We have the language, and it was revised  
7 and it added Attachment 3.

8 DEPUTY DIRECTOR LEE: That is correct.

9 CHAIRPERSON MARIN: Okay. We just need a vote on  
10 this. Is there a motion?

11 BOARD MEMBER MULÉ: Motion to approve Resolution  
12 2005-156 Revised.

13 BOARD MEMBER WASHINGTON: Second.

14 CHAIRPERSON MARIN: Moved and seconded. Without  
15 objection, we will substitute the previous roll.

16 And that's the end of this agenda. I'm very  
17 happy we did very well. Anything else from anybody? Say  
18 it now, or forever hold your peace.

19 Thank you so very kindly. We'll see you next  
20 month.

21 (Thereupon the California Integrated Waste  
22 Management Board, Board of Administration  
23 adjourned at 3:47 p.m.)

24

25

1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing hearing was reported in shorthand by me,  
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the  
8 State of California, and thereafter transcribed into  
9 typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said hearing nor in any  
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 21st day of June, 2004.

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24 Certified Shorthand Reporter  
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